Law Offices of
Kim P. Bonstrom

October 9, 2025

Via Overnight Express Mail and email

Hon. April Tabor
Federal Trade Commission
Office of the Secretary
9050 Junction Drive
Annapolis Junction, MD 20701

Re: *Dr. Michael J. Galvin - Notice of Appeal And Application for Review; HISA Case No. 2024-14828*

Dear Ms. Tabor:

I represent Dr. Michael J. Galvin in the above-captioned matter.

Pursuant to 15 U.S.C. § 3501, *et seq.* and 16 C.F.R. § 1.148, Dr. Galvin gives notice that he appeals the July 11, 2025 Final Decision of the Internal Adjudication Panel Member ("IAP Member") appointed by the Horseracing Integrity and Safety Authority ("HISA"), in HISA Case No. 2024-14828, as affirmed by HISA Board's Decision on Appeal dated September 9, 2025. An original paper copy of the Notice of Appeal and Application for Review is annexed hereto, as are original copies of Dr. Galvin's companion Application for Stay of Final Civil Sanction, and undersigned counsel's Notice of Appearance.

Finally, we attempted to file the foregoing documents in the FTC's Administrative E-filing System, but were unable to do so without an assigned Docket Number. Owing to the government shutdown, we were unable to obtain either assignment of a docket number or other assistance with our filing. We will promptly submit the enclosed documents in the E-filing System once services are restored.

Respectfully,

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cc: (per accompanying Certificates of Service)
Enclosures

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
Office of Administrative Law Judges
Matter No._____

ADMINISTRATIVE LAW JUDGE: _____

IN THE MATTER OF:
DR. MICHAEL J. GALVIN APPELLANT

HISA CASE NO.: 2024-14828

NOTICE OF APPEAL AND APPLICATION FOR REVIEW

Pursuant to 15 U.S.C. § 3051 *et seq.*, 5 U.S.C. § 556 *et seq.*, and 16 CFR § 1.145 *et seq.*, Appellant Dr. Michael J. Galvin appeals the July 11, 2025 Final Decision of the Internal Adjudication Panel Member ("IAP Member") appointed by the Horseracing Integrity and Safety Authority ("HISA"), in HISA Case No. 2024-14828 (the "IAP Decision"), as affirmed by the HISA Board's Decision on Appeal dated September 9, 2025 (the "Board Decision"). The Board Decision upheld the IAP Member's finding and ruling that (i) Dr. Galvin violated HISA Rule 2251(b) by failing to submit veterinary treatment records to HISA's online portal during the period from January 1, 2023 through March 7, 2024; (ii) suspended Dr. Galvin's registration for two years; and (iii) imposed a fine of $25,000. The suspension took effect on July 11, 2025. [Copies of the HISA Decision and IAP Ruling are annexed hereto respectively as Exhibits "A" and "B".]

By letter dated September 9, 2025, the Horseracing Integrity and Safety Authority ("HISA") notified the FTC of final civil sanctions imposed by HISA under 15 U.S.C. § 3057(d). [Exhibit "C" hereto.]

By separate application filed simultaneously herewith, Dr. Galvin requests a stay of the HISA Decision(s) pending hearing and determination of his appeal.

GROUNDS FOR THE APPEAL

Dr. Galvin challenges the IAP and Board Decisions and requests *de novo* review under 15 U.S.C. § 3058(b)(1)-(3) and 16 C.F.R. § 1.146(b) of the following claims of error:[1]

First, HISA's Notice of Violation failed to state a cognizable claim that Dr. Galvin violated HISA's "portal entry" provision, HISA Rule 2251(b). This is so because the single count charged in the case alleged that Dr. Galvin "failed to report ... *approximately* 3,951 treatments administered to 497 Covered Horses between January 1, 2023 and March 7, 2024." But HISA Rule 2251 does not create a continuing offense, and each supposed data entry omission therefore needed to be charged in a separate count. The Notice of Violation further violated HISA Rule 8200(d), which provides in relevant part that any such Notice "*shall* ... [s]pecify with reasonable particularity the factual basis of [HISA's] belief that the provision

[1] The HISA Decisions have other deficiencies, which are not waived by the enumeration in this Notice of Appeal and Application for Review, but may be raised in the future in this or another forum.

has been violated[.]" Because the Notice of Violation did not include the identities of Covered horses purportedly treated or the dates of such treatments, the Notice of Violation did not meet Rule 8200(d)'s specificity requirement, and it failed to spell out the elements of the charged offense. For both reasons, the Notice of Violation did not comport with well-settled principles of Due Process notice and meaningful opportunity to respond. The IAP Member erred by not granting Dr. Galvin's pre- and post-hearing motions to dismiss on this ground, and the Board erred by ignoring the issue on the appeal.

Second, the sole charge in the August 23, 2024 Notice of Violation was impermissibly duplicitous and, therefore, violative of Dr. Galvin's Fifth Amendment Due Process rights. The charge was impermissibly duplicitous because it combined in excess of 3,000 distinct violations into a single count. The IAP Member erred by not granting Dr. Galvin's pre- and post-hearing motions to dismiss on this ground, and the Board erred by ignoring the issue on the appeal.

Third, HISA's impermissible pre-accusation delay violated Dr. Galvin's Fifth Amendment Due Process rights. For this reason, the HISA Decisions should be overturned. Alternatively, and at a minimum, a hearing should be held to determine whether HISA's unexplained delay in commencing this proceeding was justified. See United States v. Hoo, 825 F.2d 667, 668-69 (2d Cir. 1987) (evidentiary hearing required to determine reason for government's pre-indictment delay). The IAP

Member erred by not granting Dr. Galvin's pre- and post-hearing motions to dismiss on this ground, and the Board erred by ignoring the issue on the appeal.

Fourth, HISA's first ever prosecution of a Rule 2251(b) violation represents a dramatic departure from HISA practice and precedent and therefore was arbitrary and capricious. This particularly is so because HISA multiple times has acknowledged widespread (i.e., nationwide) noncompliance with Rule 2251(b). Yet, until Dr. Galvin was charged in August 2024, HISA brought no enforcement actions charging a violation of HISA Rule 2251(b). Even to this day, HISA has brought no "stand-alone" prosecutions for the acknowledged widespread violations of Rule 2251(b). The requirement that similarly-situated licensees be treated in a like manner is a fundamental precept of administrative law.

Fifth, the two-year suspension of Dr Galvin's HISA registration both is unprecedented, unexplained by the IAD Member, disproportionate to the alleged offense, and therefore constitutes an abuse of discretion.

Sixth, the HISA Decision is not supported by substantial evidence. This is so because Enforcement Counsel failed to supply a competent evidentiary foundation for *any* of the exhibits offered as evidence of the supposed violation(s) of Rule 2251(b) - including a "*preliminary* summary exhibit" that contained acknowledged errors and the author of which was never identified.

Seventh, the hearing in this matter lacked vital protections mandated under HISA Rule 8340. Among other deficiencies, the IAP Member erred by not granting Dr. Galvin's repeated requests for status conferences which were sought to, *inter alia*, establish protocols for the on-line hearing, and to set a schedule for dispositive motions, including motions to compel compliance with discovery demands, to challenge admissibility of exhibits, and to move for dismissal on grounds cited herein.

Eighth, the IAP Member's decision didn't contain adequate findings of fact that are mandated by HISA Rule 8340(i). As described, HISA's one count Notice of Violation alleged a failure to make portal entries of "approximately 3,951 treatments" purportedly administered to "497 Covered Horses" over a 15 month period. The pleading failed to comply with HISA Rule 8200(d)'s specificity requirement as it failed to identify, *inter alia*, the treatments, date of treatments and identity of the covered horses. The IAP Member compounded these defects by failing to make particularized findings regarding the same core facts. Indeed, the IAP Member found *only* that Dr. Galvin "fail[ed] to submit *over three thousand* veterinary treatment records to HISA ..." (italics added) – with no reference to identity or number of covered horses, and no specificity of treatments or the dates thereof.

Finally, by separate Application simultaneously filed herewith, Dr. Galvin requests a stay of sanctions pursuant to 16 C.F.R.§ 1.148 during the pendency of the Administrative Law Judge's review.

Dated: Shelter Island, New York
October 9, 2025

Respectfully submitted,

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EXHIBIT A

BEFORE THE INTERNAL ADJUDICATION PANEL

HISA
v.

Case Number: 2024-14828

Dr. Michael J. Galvin

IAP Member: Barbara L. Borden

AMENDED FINAL DECISION OF THE INTERNAL ADJUDICATION PANEL

Section One – Parties

Date of Hearing: March 10 and March 11, 2025

Date of Decision: July 10, 2025

HISA Counsel: Bryan Beauman, Rebecca Price and David T. Royse

Covered Person: Dr. Michael Galvin

Counsel/Representative of Covered Person: Kim Bonstrom and Charles Hallas

Section Two – Charges

On August 23, 2024, HISA issued a Notice of Violation to Dr. Michael J. Galvin alleging that he violated Rule 2251(b) by failing to submit veterinary treatment records to HISA within 24 hours after examination or treatment of Covered Horses during the period from January 1, 2023 through March 7, 2024.

Rule 2251 states in part:

2251. Veterinary Reports

(a) All Veterinarians shall provide treatment records pursuant to Rule Series 3000. In addition to the uses set forth therein, these records may be used by Regulatory Veterinarians in the performance of their duties at the Racetrack, for transfer to the new Responsible Person of a Covered Horse, and for purposes of research conducted by the Authority in accordance with the Act to enhance the safety and welfare of racehorses. Subject to the approval of the Authority, records may also be accessed by the State Racing Commission or the Stewards.

(b) For treatments, procedures, and surgeries performed at a location licensed by a State Racing Commission or a Training Facility, and in addition to the information required to be submitted by Veterinarians pursuant to Rule Series 3000, every Veterinarian who examines or treats a Covered Horse shall, within 24 hours after such examination or treatment, submit to the Authority the following information in an electronic format designated by the Authority:

(1) name and HISA ID of the Covered Horse or, if unnamed, the registered name of the dam and year of foaling;

(2) name and HISA ID of the Responsible Person of the Covered Horse;

(3) name and HISA ID of the Veterinarian;

(4) contact information for the Veterinarian (phone number, email address);

(5) any information concerning the presence of unsoundness and responses to diagnostic tests;

(6) diagnosis;

(7) condition treated;

(8) the name of any medication, drug, substance, or procedure administered or prescribed, including date and time of administration, dose, route of administration (including structure treated if local administration), frequency, and duration (where applicable) of treatment;

(9) any non-surgical procedure performed (including but not limited to diagnostic tests, imaging, and shockwave treatment) including the structures examined/treated and the date and time of the procedure;

(10) any surgical procedure performed including the date and time of the procedure; and

(11) any other information necessary to maintain and improve the health and welfare of the Covered Horse

Section Three – Procedural History

On August 23, 2024, HISA issued a Notice of Violation of HISA Rule 2251(b) to Dr. Michael J. Galvin alleging that he failed to enter veterinary treatment records into the HISA portal.

The IAP Member conducted a pre-hearing conference on October 30, 2024, and counsel for the parties appeared by Zoom.

The IAP Member conducted a status conference on November 19, 2024, and counsel for the parties appeared by Zoom. During the status conference, the IAP Member set deadlines for document production and scheduled the hearing for March 10 and March 11, 2025. At the status

conference, counsel for Dr. Galvin objected to the notices, scheduling, and deadlines concerning the hearing of this matter.

Subsequently, counsel for Dr. Galvin requested an additional status conference in a letter dated December 16, 2024. The IAP Member responded to counsel in an email dated January 3, 2025, and requested that he provide several proposed dates for the additional status conference. Dr. Galvin's counsel did not provide the proposed dates as requested, so no additional status conference was held.

Counsel for Dr. Galvin did not file a pre-hearing memo or witness list prior to the hearing as ordered by the IAP Member. Dr. Galvin's counsel filed a Motion to Dismiss on Friday, March 7, 2025, and filed his exhibits to the motion on March 9, 2025. The Motion to Dismiss is addressed in this Decision.

Section Four – Burdens of Proof and Evidence

Rule 8340(f) states: "The burden of proof shall be on the party alleging the violation to show, by a preponderance of the evidence, that the Covered Person has violated or failed to comply with a provision of or is responsible for a violation of a provision of the Authority's regulations." In this proceeding, HISA has the burden to prove by a preponderance of the evidence that Dr. Michael J. Galvin violated Rule 2251(b).

By registering with HISA as a Veterinarian as defined in Rule 1020, Dr. Galvin assumed responsibility to comply with all HISA rules, including Rule 2251(b) which requires the reporting of all veterinary treatments to the HISA portal within 24 hours of the treatment.

The hearing took place on March 10 and March 11, 2025. Dr. Galvin was represented at the hearing by attorneys Kim Bonstrom and Charles Hallas. HISA was represented by attorneys Bryan Beauman, Rebecca Price and David T. Royse. HIWU was represented by attorney Zach Ceriani.

Dr. Galvin was named as a witness in Enforcement counsel's Prehearing Statement submitted on February 24, 2025, but on advice of his counsel he did not appear for the hearing and therefore waived his opportunity to testify in this proceeding.

At the hearing, HISA presented witness testimony and documentary evidence to establish that Dr. Galvin violated HISA Rule 2251(b) by failing to report over three thousand veterinary treatments between January 1, 2023, and March 7, 2024.

MELISSA STORMER

Enforcement counsel Bryan Beauman first called witness Melissa Stormer, a HIWU investigative analyst. Ms. Stormer testified regarding Dr. Galvin's entry of veterinary records into the HISA portal. Ms. Stormer described Dr. Galvin's daily treatment notebook. The notebook had been obtained, copied, and returned to Dr. Galvin by a HIWU investigator during a search of Dr. Galvin's vehicle at Belmont Park on September 2, 2023. The notebook contained trainer names, horse names and notes that appeared to relate to veterinary treatments. Ms. Stormer also described a "Work Done" record provided to HISA by Dr. Galvin on November 13, 2023, which contained the names of trainers and horses listed by date. However, the "Work Done" record did not record the specific treatments provided by Dr. Galvin to each horse.

Ms. Stormer also testified that in February and March 2024, HIWU issued a "Demand for Business Records" to trainers and owners whose horses had been treated by Dr. Galvin. The demand required the production of, among other items, records of veterinary services provided by Dr. Galvin, and trainer administration records required to be kept for Covered Horses that had been treated by Dr. Galvin. The names of these trainers and owners were obtained from Dr. Galvin's daily treatment notebook, "Work Done" record, and entries that had been made to the portal.

Ms. Stormer testified that she then compared these records and documents to the treatment records that had been entered by Dr. Galvin into the HISA portal, and she created an Excel spreadsheet summarizing her comparison. Ms. Stormer testified that her analysis revealed that many treatments had not been reported to the HISA portal. She also testified that her analysis revealed that Dr. Galvin had not entered treatment records for several horses that had either suffered injuries during their race, or that died or were euthanized after they raced.

Ms. Stormer's testimony established that Dr. Galvin failed to enter over 3,000 treatments into the HISA portal during the period from January 1, 2023, to March 7, 2024. Ms. Stormer testified that Dr. Galvin *did* use the portal to enter 3,121 records from July 2022 to February 2025. She testified that after the requests to the trainers and owners for treatment records were issued by HIWU, Dr. Galvin entered 2,474 treatment records during the period from April 24, 2024, to June 10, 2024. Ms. Stormer's testimony also established that many of those treatment records were not submitted to the portal within 24 hours as required by Rule 2251(b).

DR. MARY SCOLLAY

Enforcement counsel next presented witness testimony from Dr. Mary Scollay, HIWU Chief of Science. Dr. Scollay testified to the importance of the timely reporting of veterinary treatments as it relates to horse safety and integrity. Dr. Scollay testified that the reporting of veterinary treatment records provides regulatory veterinarians access to critical data to assist in their examinations of Covered Horses.

Dr. Scollay also testified concerning the risk to horses and racing participants involved when veterinary treatments are not promptly reported. Dr. Scollay explained that the stand-down times associated with treatments, including intra-articular injections, prohibit horses from working or racing during the stand-down period. If an intra-articular injection is not reported, the horse will not be placed on the veterinarian's list and the regulatory veterinarians will not be aware of the intra-articular injection. The regulatory veterinarians will therefore miss an opportunity to focus their exam on the injected joint to ensure that there is minimal risk to the horse, and to ensure that the joint has responded appropriately to treatment. Prompt reporting is also necessary to allow regulatory veterinarians to detect intra-articular injections that may mask pain and may therefore lead to injury. In addition, if a regulatory veterinarian has access to records that indicate that a horse has received repeated intra-articular injections, the regulatory veterinarian may be led to question the soundness of a horse that requires that level of medication.

Dr. Scollay testified that the treatment records in the HISA portal can be analyzed together with information in the Equine Injury Database to assist in understanding the impact of medication on the risk of injury and to assist in the prevention of injury. This allows regulators to refine their ability to assess risk and identify horses that warrant additional protection. Dr. Scollay also testified that HISA's statutes direct HISA to develop programs for injury and fatality data analysis, and programs relating to safety and performance research and education. Dr. Scollay testified that the statutes also direct HISA to develop and maintain a nationwide database of racehorse safety, performance, health, and injury information for the purpose of conducting an epidemiological study. The statutes give HISA the authority to require Covered Persons to collect and submit to the database such information as the Authority may require to further the goal of increased racehorse welfare. Dr. Scollay testified that the treatment records are an important part of the data that HISA studies and analyzes. If treatment records are not available, HISA cannot properly develop the research programs as directed by the statutes.

Dr. Scollay also testified that it is important for veterinary treatment records to be reported within 24 hours as required by Rule 2251(b), because the data is constantly being used by regulatory veterinarians to better understand the health of the horses that they are being asked to approve for racing. In addition, Dr. Scollay testified that when the testing laboratory reports a medication finding to HIWU, HIWU consults the portal to verify a record of the treatment and to determine if the treatment corresponds to what the laboratory reports. In that context, Dr. Scollay testified that HIWU relies on the treatment records on a daily basis.

Finally, Dr. Scollay testified that the timely reporting of treatments allows regulators to verify that horses are participating in compliance with HISA rules that promote the integrity of competition and protect the safety of the athletes.

PROFFER OF ENFORCEMENT COUNSEL DAVID T. ROYSE

Next, Enforcement counsel David T. Royse asked Dr. Galvin's counsel whether Dr. Galvin would be available to testify at the hearing. Counsel for Dr. Galvin stated that he had advised his client not to appear. Counsel for Dr. Galvin then proposed that the hearing be continued to a later date to allow his client to be physically present with him while testifying, citing principles of due process. The IAP Member denied the request because counsel for Dr. Galvin had had ample time prior to the hearing to arrange for his client to be present with him.

Enforcement counsel, in the absence of Dr. Galvin, made a proffer of the cross examination and evidence that HISA would have presented had Dr. Galvin been present at the hearing. Enforcement counsel listed specific horses and the treatments the horses had likely received by referencing Dr. Galvin's daily notebook that included dates, trainers, horses and treatments. He then compared the information to Equibase charts. In the examples listed by Enforcement counsel, the horses appeared to have received treatments, including intra-articular injections, several days prior to competing in races. In some instances, had the intra-articular injections been reported, the horses would not have been permitted to work or race in what should have been a mandatory stand-down period. Because the treatments were not reported to the HISA portal, a number of these horses did in fact work and race during what should have been a mandatory stand-down period. Enforcement counsel also presented evidence that several horses that raced during what should have been a mandatory stand-down period were either injured and did not finish their races or were claimed and the claim subsequently voided by the regulatory veterinarians in the test barn. In other instances, the treated horses finished their races but never raced again. In addition, Enforcement counsel presented evidence that several of the listed horses that raced during what should have been a mandatory stand-down period died or were euthanized shortly after competing. In at least two instances, horses appeared to have had an intra-articular injection on the morning of their race. Enforcement counsel then demonstrated that of the treatments listed in the daily notebook and Dr. Galvin's "Work Done" record for the horses that were included in the proffer, no treatment records from Dr. Galvin had been reported to the HISA portal.

Enforcement counsel stated that he would have asked Dr. Galvin to confirm that HIWU investigator Brett Smith notified him regarding the reporting requirements of rule 2251(b) on or about May 12, 2023. Enforcement counsel also stated that he would have asked Dr. Galvin to confirm that he received a letter that was both mailed and emailed to him from HISA Enforcement counsel Bryan Beauman on June 15, 2023, notifying Dr. Galvin of his failure to submit veterinary records in accordance with HISA Rule 2251(b).

TRACY GILMAN

Counsel for Dr. Galvin, Kim Bonstrom, called witness Tracy Gilman, a member of HISA's field support staff. Counsel questioned her concerning her contacts with Dr. Galvin in July and August of 2024. She testified that Dr. Galvin had contacted her by phone several times during that period to assist him in submitting a Mandatory Attending Veterinary Inspection (MAVI), because he had difficulty entering the record into the HISA portal. Ms. Gilman testified that aside from the assistance she provided, she had no other contact with Dr. Galvin. Ms. Gilman testified that she spoke to an assistant of Dr. Galvin's on a couple of occasions, but she could not recall when the conversations took place.

Ms. Gilman further testified that she had no knowledge of the issues concerning Dr. Galvin's compliance with Rule 2251(b). She testified that during 2023, HISA permitted veterinarians to submit hard copies of veterinary treatment records in lieu of submission via the portal. She testified that HISA employees entered the records received from veterinarians into the portal until HISA announced that hard copy treatment records would no longer be accepted.

ZACH CERIANI

Next, counsel for Dr. Galvin called witness HIWU Investigation Counsel Zach Ceriani. Counsel questioned Mr. Ceriani about the timeline of the investigation involving Dr. Galvin. Mr. Ceriani testified concerning the search of Dr. Galvin's vehicle at Belmont Park on September 2, 2023, and the production of records received from Dr. Galvin on November 13, 2023. Mr. Ceriani also described the "Demand for Business Records" letters sent by HIWU in February and March of 2024 to trainers and owners whose horses had received treatments from Dr. Galvin. He testified that the letters were either hand delivered or emailed to the recipients. Counsel for Dr. Galvin requested the dates on which the emails had been sent and the letters served. The IAP member directed Enforcement counsel to produce HIWU's Proof of Service of Process records to counsel for Dr. Galvin.

Section Five – Dr. Michael J. Galvin's Motion to Dismiss the Proceeding

Dr. Galvin filed a Motion to Dismiss the Proceeding on March 7, 2025. For the reasons set forth below, the Motion to Dismiss is denied.

POINT I and POINT II

Dr. Galvin argues that HISA's Notice of Violation issued on August 23, 2024, fails to state a cognizable offense. In addition, Dr. Galvin argues that the sole count charged by HISA under Rule 2251(b) is impermissibly duplicitous because it combines two or more distinct violations into one count.

More specifically, Dr Galvin argues that a violation of Rule 2251(b) may not be charged as a course of conduct comprised of a series of reportable treatments. Instead, Dr. Galvin states that each individual data entry failure must be charged in a separate count, and that to charge them as one violation of Rule 2251(b) is duplicitous under the law.

The IAP Member finds that HISA properly charged Dr. Galvin with a single count regarding his ongoing failure to provide treatment records to the HISA portal between January 1, 2023, and March 7, 2024, in compliance with Rule 2251(b). It would have been impractical to file a separate Notice of Violation for each of the over three thousand instances in which treatments were not reported by Dr. Galvin. HISA rules do not require that a separate notice and charge be issued for each failure of Dr. Galvin to submit treatment records to the HISA portal. The IAP Member finds that Dr. Galvin's argument is without merit.

POINT III

Dr. Galvin argues that HISA violated his due process rights by an impermissible pre-accusation delay.

Dr. Galvin states that he was charged with violations that occurred between January 1, 2023, through March 7, 2024, and emphasizes that the Notice of Violation was not issued until August 23, 2024. Dr. Galvin argues that the period of time that elapsed before the Notice of Violation was issued constituted an impermissible pre-accusation delay. Dr. Galvin further argues that had HISA charged the violation earlier in time, Dr. Galvin could have taken remedial measures earlier to ensure his compliance with Rule 2251(b).

The IAP member notes that the HISA rules do not specify a time limit for HISA to issue a Notice of Violation. By registering with HISA as a Covered Person and a Veterinarian as defined in rule 1020, Dr. Galvin assumed responsibility to comply with all HISA rules from the date of his registration. Rule 2251(b) requires Dr. Galvin to report all veterinary treatments to the HISA portal within 24 hours of the treatment. In addition to his ongoing requirement to comply with HISA rules as a Covered Person, Dr. Galvin was issued a written warning letter that was both mailed and emailed to him from HISA enforcement counsel on June 15, 2023, regarding his failure to submit veterinary records in accordance with HISA Rule 2251(b).

In addition, the hearing record indicates that the investigation in this case began in September of 2023. At that time, HIWU obtained Dr. Galvin's notebook, and HISA requested a number of records, including veterinary treatment records, from Dr. Galvin. Dr. Galvin produced the requested records to HISA on November 13, 2023. After a review and investigation of those records, HIWU in February and March of 2024 issued demands for records to trainers and owners referenced in the records provided by Dr. Galvin. When these records were received, HIWU then conducted a detailed comparison of these records to treatments that had been reported to the HISA

portal. After the comparison was completed, HISA issued the Notice of Violation to Dr. Galvin on August 23, 2024.

The IAP Member finds that the investigation was conducted and the Notice of Violation issued within a reasonable amount of time. The IAP Member finds that there is no basis for Dr. Galvin's claim that a pre-accusation delay in this proceeding violated his due process rights.

POINT IV

Dr. Galvin argues that this proceeding should be dismissed on the grounds of selective and/or vindictive prosecution.

Dr. Galvin argues that he was selectively and/or vindictively prosecuted by HISA, claiming that HISA failed to prosecute other similarly situated individuals for violations of 2251(b). Dr. Galvin references portions of HISA reports addressing gaps in the reporting of veterinary treatment records. Dr. Galvin also submitted several letters sent by HISA to registered veterinarians offering assistance with the HISA portal to veterinarians and reminding them of their duty to comply with Rule 2251(b).

However, the IAP Member has determined that Dr. Galvin has provided no specific evidence that any other veterinarians similarly situated to him were not prosecuted for violations of Rule 2251(b). Furthermore, he has not demonstrated the existence of a discriminatory purpose or discriminatory effect in the prosecution of this action by HISA. The IAP Member finds that this argument by Dr. Galvin is without merit.

POINT V

Dr. Galvin argues that HISA'S refusal to produce relevant (and exculpatory) evidence violated Dr. Galvin's Fifth Amendment due process rights.

Dr. Galvin bases his argument on HISA's objections to some of his discovery requests made prior to the hearing. Dr Galvin argues that HISA failed to produce relevant and exculpatory evidence. However, the IAP Member notes that Dr. Galvin failed to specifically identify any relevant and exculpatory evidence that HISA failed to produce. The IAP Member also notes that Dr. Galvin was provided with detailed discovery concerning the charged violation of Rule 2251(b) by HISA.

Dr. Galvin also argues that he requested an additional status conference to be conducted prior to the hearing, and states that no additional status conference was scheduled. The IAP Member notes that counsel for Dr. Galvin did request an additional status hearing in a letter dated December 16, 2024. The IAP Member responded to counsel for Dr. Galvin in an email dated January 3, 2025, and asked that counsel provide several proposed dates for the additional status

conference. Dr. Galvin's counsel did not provide the proposed dates as requested, so no additional status conference was held.

The IAP finds that Dr. Galvin's Fifth Amendment due process rights were not violated

Section Six – Dr. Galvin's Post-Hearing Brief

Dr. Galvin submitted his Post-Hearing Brief in this proceeding on April 1, 2025. The points in Dr. Galvin's Post-Hearing Brief are addressed as follows:

POINT I

Dr. Galvin's Post-Hearing Brief states: "Failure to furnish transcripts of the proceeding deprived Dr. Galvin of a meaningful opportunity to craft a Post-Hearing Brief."

At the conclusion of the hearing, Dr. Galvin's counsel requested that post-hearing briefs be filed after completion of delivery of the hearing transcript. The Court Reporter stated that it would take 3 weeks to complete the written transcripts of the hearing. The IAP Member denied counsel's request and ordered that post-hearing briefs be filed on April 1, 2025. The IAP Member ordered that HISA Enforcement Counsel provide a video of the entire hearing and all exhibits to the parties. The video and exhibits were emailed to the parties by HISA Enforcement Counsel on March 18, 2025.

The IAP Member finds that the rules governing these proceedings do not require that Dr. Galvin be provided with a written transcript prior to filing a post-hearing brief. Dr. Galvin's counsel was granted three weeks to file his post-hearing brief. The IAP Member finds that Dr. Galvin was not deprived of a meaningful opportunity to craft his post-hearing brief.

POINT II

Dr. Galvin's Post-Hearing Brief states: "HISA failed to supply the required evidentiary foundation for what purported to be veterinary treatment records."

Dr. Galvin cites the requirements concerning evidentiary foundation in Federal Rule of Evidence 803(6) and states that these requirements were not met in the testimony offered by HISA at the hearing. However, under HISA Rule 8340(g), the Internal Adjudication Panel is not bound by the technical rules of evidence, including the rules pertaining to evidentiary foundation. The IAP Member finds Dr. Galvin's argument to be without merit.

POINT III

Dr. Galvin's Post-Hearing Brief states: "HISA waived and/or is estopped from enforcing any pre-February 21, 2024, portal violations."

Dr. Galvin bases his argument concerning waiver and estoppel upon a letter sent to him by HISA Enforcement Counsel on February 21, 2024. The letter included language reminding him to comply with the reporting requirements established in Rule 2251(b) and stated that future non-compliance could result in an enforcement action.

The IAP Member notes that Dr. Galvin had been reminded of his obligation to submit treatment records prior to February 21, 2024, in a letter sent to him by HISA Enforcement Counsel on June 15, 2023. By registering with HISA, Dr. Galvin agreed to comply with all HISA rules, and he was at no point excused from the requirement of Rule 2251(b) to report treatment records. The IAP Member finds that the letter sent by HISA Enforcement counsel on February 21, 2024, did not waive Dr. Galvin's prior failures to submit treatment records and does not estop HISA from enforcing Rule 2251(b).

POINT IV

Dr. Galvin's Post-Hearing Brief states: "Because HISA formerly authorized submission of "paper-and-pen treatment sheets," treatments purportedly memorialized in his seized notebook and his November 13, 2023, production cannot be charged in this proceeding."

More specifically, Dr. Galvin argues that the records copied from his daily notebook and the records in his November 13, 2023, production should be deemed compliant with what Dr. Galvin refers to as HISA's "paper-and-pen treatment sheets" reporting option for treatment records. Dr. Galvin is referring to the fact that during 2023, HISA permitted veterinarians to submit hard copies of veterinary treatment records in lieu of submission via the portal.

The IAP Member finds that Dr. Galvin's daily notebook and his November 13, 2023, production do not contain the details of the treatments that are specifically required to be recorded as set forth in Rule 2251(b). The IAP Member therefore denies Dr. Galvin's request to deem these records compliant with the requirements of Rule 2251(b).

Section Seven – Violations Determined

Based on the evidence in this case, the IAP Member has determined that Dr. Michael J. Galvin has violated Rule 2251(b) by failing to submit over three thousand veterinary treatment records to HISA within 24 hours after examination or treatment of Covered Horses during the period from January 1, 2023 through March 7, 2024.

Section Eight - Sanctions

Pursuant to HISA Rule 8200(b), the IAP Member imposes the following sanctions upon Dr. Michael J. Galvin for his violation of Rule 2251(b), as determined by the evidence in this case:

Dr. Michael J. Galvin's registration with HISA shall be suspended for two years.

A fine shall be imposed upon Dr. Michael J. Galvin in the amount of $25,000.

The resolution of the violation shall be publicly disclosed by HISA pursuant to Rule 8380.

Appeal Rights

Pursuant to Rule 8350(d), a party to this decision may appeal to the Board by filing with the Board a written request for an appeal within 10 days of receiving this written order.

So ORDERED this 11th day of July, 2025

/s/ Barbara L. Borden
Member, Internal Adjudication Panel

EXHIBIT B

BEFORE THE HORSERACING INTEGRITY AND SAFETY AUTHORITY

IN THE MATTER OF:)

DR. MICHAEL J. GALVIN) HISA CASE NO. 2024-14828

BOARD DECISION ON APPEAL

This matter arises under the jurisdiction of the Horseracing Integrity and Safety Authority, Inc. (the "Authority") established pursuant to the Horseracing Integrity and Safety Act (the "Act") at 15 U.S.C. § 3051, et seq., and is on appeal to the Board of the Authority (the "Board") pursuant to HISA Rule 8350.

BACKGROUND

On August 23, 2024, the Authority issued a Notice of Violation to Covered Person, Dr. Michael J. Galvin ("Dr. Galvin"), alleging that Dr. Galvin violated HISA Rule 2251(b) by failing to submit veterinary treatment records to HISA within 24 hours after examination or treatment of Covered Horses during the period from January 1, 2023 through March 7, 2024. *See* August 23, 2024 Notice of Violation. The alleged violation was referred for adjudication to Barbara L. Borden, a member of the Internal Adjudication Panel (the "IAP").

IAP Member Borden conducted pre-hearing status conferences with counsel and the parties on October 30, 2024 and November 19, 2024. *See* Amended Final Decision of the Internal Adjudication Panel (the "IAP Decision"), pg. 2. During the November 19, 2024 status conference, IAP Member Borden set deadlines for document production, pre-hearing disclosures, and scheduled the final hearing for

March 10 and March 11, 2025. *See* December 3, 2024 Correspondence from IAP Member Borden.

Enforcement Counsel filed their pre-hearing disclosures on February 24, 2025. *See* Enforcement Counsel's Prehearing Statement. No pre-hearing disclosures were submitted on behalf of Dr. Galvin. *See* IAP Decision at 3.

The evidentiary hearing was conducted on March 10 and 11, 2025. *Id.* Enforcement Counsel presented witness testimony from Melissa Stormer, a HIWU investigative analyst and Dr. Mary Scollay, HIWU's Chief of Science. *Id.* at 4 – 6. Enforcement Counsel sought to call Dr. Galvin as a witness; however, Dr. Galvin did not appear at the hearing. *Id.* at 6. Enforcement Counsel therefore "made a proffer of the cross-examination and evidence that HISA would have presented had Dr. Galvin been present at the hearing." *Id.* Counsel for Dr. Galvin called Tracy Gilman, a member of HISA's field support staff, and Zach Ceriani, HIWU's Investigation Counsel, as witnesses at the hearing. *Id.* at 7.

On July 11, 2025, IAP Member Borden issued a written decision finding that Dr. Galvin "violated Rule 2251(b) by failing to submit over three thousand veterinary treatment records to HISA within 24 hours after examination or treatment of Covered Horses during the period from January 1, 2023 through March 7, 2024." *Id.* at 12. IAP Member Borden imposed a two-year suspension of Dr. Galvin's registration and a $25,000 fine. *Id.*

On July 21, 2025, Dr. Galvin filed a Request for an Appeal, a Briefing Schedule, and Oral Argument (the "Appeal"), appealing the decision and sanctions imposed in

the IAP Decision. As part of the Appeal, Dr. Galvin moved for a Stay of Enforcement of the IAP Decision pending a hearing and ruling on the Appeal by the Board (the "Motion for Stay"). The Motion for Stay was denied by the Board. *See* Order Denying Dr. Michael Galvin's Motion for a Stay of Enforcement.

On July 23, 2025, the Board issued a briefing schedule and scheduled oral argument for August 25, 2025. *See* July 23, 2025 Board Order. Enforcement Counsel filed their brief in response to Dr. Galvin's Appeal on August 13, 2025. Pursuant to the Board's Order, Dr. Galvin had until August 22, 2025 to file a reply brief in support of his appeal; however, no reply brief was filed. *Id.*

This appeal is fully submitted following briefing and oral argument by counsel. For the reasons set forth below, the Board **AFFIRMS** the IAP Decision.

FINAL DECISION

Following a two-day hearing, and after extensively considering the testimony and evidence presented by the parties, IAP Member Borden concluded as follows in the IAP Decision:

> **Section Seven – Violations Determined**
>
> Based on the evidence in this case, the IAP Member has determined that Dr. Michael J. Galvin has violated Rule 2251(b) by failing to submit over three thousand veterinary treatment records to HISA within 24 hours after examination or treatment of Covered Horses during the period from January 1, 2023 through March 7, 2024.
>
> **Section Eight – Sanctions**
>
> Pursuant to HISA Rule 8200(b), the IAP Member imposes the following sanctions upon Dr. Michael J. Galvin for his violation of Rule 2251(b), as determined by the evidence in this case:

> Dr. Michael J. Galvin's registration with HISA shall be suspended for two years.
>
> A fine shall be imposed upon Dr. Michael J. Galvin in the amount of $25,000.
>
> The resolution of this violation shall be publicly disclosed by HISA pursuant to Rule 8380.

See IAP Decision at 12.

The Board's review of the IAP Decision is conducted pursuant to Rule 8350(f):

> Upon review of the decision which is the subject of the appeal, the Board shall uphold the decision unless it is clearly erroneous or not supported by the evidence or applicable law.

After reviewing the underlying record, the briefing on Appeal, and the oral arguments presented by Dr. Galvin's counsel and Enforcement Counsel, the Board finds that the IAP Ruling is not clearly erroneous and is supported by the evidence and applicable law. The Board concurs with the factual findings and reasoning articulated by IAP Member Borden in the IAP Decision, and pursuant to Rule 8350, the Board accepts, adopts, and affirms the IAP Decision in full. In light of these determinations, the Board orders as follows:

1. Dr. Galvin has violated Rule 2251(b) as set out in the IAP Decision.
2. The registration of Dr. Galvin shall be suspended for two years. During the period of suspension, Dr. Galvin shall be prohibited from participating in any capacity in any activity involving Covered Horses, including but not limited to the providing of veterinary services to Covered Horses, or in any other activity taking place at a Racetrack or Training Facility, and from permitting anyone to participate in any capacity on his behalf in any such

activities during the suspension period. The suspension shall run from the date of the IAP Decision.

3. A fine shall be imposed upon Dr. Michael J. Galvin in the amount of $25,000.
4. The resolution of this matter shall be publicly disclosed by HISA pursuant to Rule 8380.

This decision is the final decision of the Authority pursuant to 15 U.S.C. § 3058.

APPEAL RIGHTS

Pursuant to 15 U.S.C. § 3058(b), Dr. Galvin may appeal the civil sanction imposed by this decision to the Federal Trade Commission within 30 days of the Authority's submission to the Federal Trade Commission of notice of the civil sanction. The Authority will provide notice of this decision to the Federal Trade Commission on the date that this decision is issued to Dr. Galvin.

So **ORDERED** this 9th day of September, 2025.

Charles P. Scheeler
Chair, Board of Directors

EXHIBIT C

NOTICE OF FINAL CIVIL SANCTIONS IMPOSED BY THE HORSERACING INTEGRITY AND SAFETY AUTHORITY UNDER 15 U.S.C. § 3057(d)

Pursuant to 15 U.S.C. § 3058, this document shall constitute notice by the Horseracing Integrity and Safety Authority ("HISA") to the Federal Trade Commission of final civil sanctions imposed under 15 U.S.C. § 3057(d) by HISA on the following Covered Person resulting from violations of HISA Rule 2251(b):

Covered Person	Action Number	Violated Rule	Penalty
Dr. Michael J. Galvin	2024-14828	HISA 2251(b)	The registration of Dr. Michael J. Galvin is suspended for two years. During the period of suspension, Dr. Galvin shall be prohibited from participating in any capacity in any activity involving Covered Horses, including but not limited to the providing of veterinary services to Covered Horses, or in any other activity taking place at a Racetrack or Training Facility, and from permitting anyone to participate in any capacity on his behalf in any such activities during the suspension period. The suspension shall run from the date of the IAP Decision. A fine is imposed upon Dr. Michael J. Galvin in the amount of $25,000. The resolution of this matter shall be publicly disclosed by HISA pursuant to Rule 8380.

Contact information for the HISA employee responsible for communications regarding review of the civil sanction is:

John Forgy
830 Vermillion Peak Pass
Lexington, KY 40515
(859)-940-1215
johnforgy1@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that this notice is being served electronically this 9th day of September, 2025, to the Federal Trade Commission c/o Secretary of the Commission (electronicfiling@ftc.gov) and by first class mail and email to Hon. Kim Bonstrom, counsel for Dr. Michael Galvin, in accordance with 16 C.F.R. § 4.4(b).

/s/ John Forgy
John L. Forgy
Counsel to HISA

John L. Forgy
Counsel to HISA
830 Vermillion Peak Pass Lexington, KY 40515
(859)-940-1215
Email: johnforgy1@gmail.com

CERTIFICATE OF SERVICE

Pursuant to 16 CFR 1.146(a) and 16 CFR 4.4(b), a copy of the foregoing is being served on October 9, 2025, via Express Mail and/or email upon:

Office of the Secretary
April Tabor
Federal Trade Commission
9050 Junction Drive
Annapolis Junction, MD 20701
(electronicfilings@ftc.gov)

Office of Administrative Law Judges
Hon. D. Michael Chappell
Chief Administrative Law Judge
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, D.C. 20580
(oalj@ftc.gov)

Horseracing Integrity and Safety Authority ("HISA")
Charles P. Scheeler, Chair, Board of Directors
Samuel Reinhardt, Esq., Assistant General Counsel (Samuel.reinhardt@hisaus.org)
John L. Forgy, Esq., Counsel for HISA (johnforgy1@gmail.com)

HISA Enforcement Counsel
Bryan Beauman, Esq. (bbeauman@sturgillturner.com)
Rebecca Price, Esq. (rprice@sturgillturner.com)
David T. Royse, Esq. (david@rrrfirm.com)