

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES
FTC DOCKET NO. D-9445**

ADMINISTRATIVE LAW JUDGE:

JUDGE JAY L. HIMES

IN THE MATTER OF:

DR. MICHAEL J. GALVIN, APPELLANT

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DOCKET No. D-9445

**RESPONSE TO DR. GALVIN'S
NOTICE OF APPEAL AND APPLICATION FOR REVIEW**

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CERTIFICATE OF SERVICE

Pursuant to Federal Trade Commission Rules of Practice 4.2(c) and 4.4(b), a copy of this Authority's Response to Dr. Galvin's Notice of Appeal and Application for Review is being served on November 24, 2025, via Administrative E-File System and by emailing a copy to:

Hon. Jay L. Himes
Administrative Law Judge
Office of Administrative Law Judges
Federal Trade Commission
600 Pennsylvania Ave. NW
Washington, DC 20580
via e-mail to Oalj@ftc.gov
And electronicfilings@ftc.gov

April Tabor
Office of the Secretary
Federal Trade Commission
600 Pennsylvania Ave. NW
Washington, DC 20580
Via email: electronicfilings@ftc.gov

Kim P. Bonstrom
117 Ram Island Drive
P.O. Box 129
Shelter Island, NY 11964
Email: kimbonstrom@aol.com
Attorney for Appellant

/s/ Bryan Beauman

HISA ENFORCEMENT COUNSEL

Horseracing Integrity and Safety Authority (“HISA”) enforcement counsel files this initial Response to Dr. Galvin’s Notice of Appeal and Application for Review. Each of the matters raised by Dr. Galvin on appeal will be fully briefed according to the forthcoming scheduling Order.

The final decision of the Internal Adjudication Panel held:

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, 2024.¹

The HISA Board held the IAP Decision was “not clearly erroneous and is supported by evidence and applicable law,” concurred “with the factual findings and reasoning articulated,” and affirmed.²

HISA Rule 2251(b) requires all veterinarians who treat Covered Horses “shall, within 24 hours after such examination or treatment, submit to the Authority the following information...” The evidence in the record is clear and uncontested: Dr. Galvin systematically failed to comply with HISA Rule 2251. More than 3,000 times between January 1, 2023 to March 7, 2024, Dr. Galvin failed to timely submit – or even submit at all – veterinary treatment records to HISA.

A two-day IAP hearing was held in this matter. Enforcement counsel presented testimony from witnesses Melissa Stormer, investigative analyst, and Dr. Mary Scollay, HIWU’s Chief of Science. Enforcement counsel planned to call Dr. Galvin; however, he refused to appear at the hearing. Enforcement counsel made a proffer of

¹ IAP Decision at 12.

² Board Decision at 4.

the cross-examination and evidence it would have presented had Dr. Galvin appeared. Counsel for Dr. Galvin requested HISA produce two witnesses who he then examined: Tracy Gilman, HISA staff, and Zach Ceriani, HIWU Investigation Counsel.

Nature of Review

The ALJ's review should proceed under 16 CFR §1.146(c)(3) which provides that the factual record be deemed closed and the matter proceed on briefing by the parties and oral argument. The record is comprehensive and only lacks testimony from Dr. Galvin – which he intentionally chose to not provide.

First, substantial evidence exists to affirm based on a voluminous record, including the two-day evidentiary hearing and Board hearing.³ Second, Dr. Galvin did not request an evidentiary hearing or to supplement or supplant the record on any *factual* issues, and did not identify any *facts* he seeks to contest, as he is required to do under 16 CFR §1.146(a)(1). Third, Dr. Galvin failed to appear at the hearing to provide any testimony. His attorney attended and cross-examined the testimony and documentary proof. Dr. Galvin should not now be permitted to testify when he waived his prior opportunity to do so. Fourth, the *de novo* review here allows Dr. Galvin the sufficient ability to contest the outcome below and raise his legal arguments. Ample grounds exist to conclude the underlying factual record is sufficient to adjudicate the merits of this review.

³ The Index for the Appeal Book is attached as Exhibit A.

Response to the Notice of Appeal

I. Substantial evidence supports the Board's decision.

The Board adopted the IAP's findings including extensive review of testimony and evidence presented at the hearing, the proffer enforcement counsel would have presented had Dr. Galvin appeared, findings of fact, and conclusions of law. The IAP also considered Dr. Galvin's legal arguments raised in his Motion to Dismiss, Post-Hearing Brief and throughout the hearing. Substantial evidence exists for conclusion Dr. Galvin systematically disregarded his mandatory obligation under Rule 2251(b) to enter veterinary treatment records within 24 hours of administering treatments to Covered Horses.

II. The Notice of Violation was sufficient.

The Notice of Violation clearly stated an allegation of a violation of Rule 2251(b), "You failed to report to HISA approximately 3,951 treatments administered to Covered Horses between January 1, 2023 and March 7, 2024."⁴ Enforcement counsel provided Dr. Galvin an Excel spreadsheet listing all unreported treatment records, which was also used as HISA's Summary Exhibit during the IAP hearing. HISA Rules do not specify a time limit for HISA to issue Dr. Galvin the Notice of Violation. The Notice was not duplicitous, contained specific allegations, and was timely issued.

⁴ Notice of Violation.

III. Dr. Galvin failed to participate in the hearing and failed to meet IAP requests for status conferences.

Dr. Galvin was given full opportunity to participate below. When his counsel requested an *additional* status conference in advance of the hearing, the IAP member asked counsel to provide proposed dates. As the IAP member noted in her Decision, “Dr. Galvin’s counsel did not provide the proposed dates as requested, so no additional status conference was held.”⁵ Later, after enforcement counsel named Dr. Galvin on its witness list for the hearing, which was provided to Dr. Galvin in advance of the hearing, Dr. Galvin did not appear at the hearing. He also intentionally chose not to provide a witness and exhibit list required by the IAP member’s Order. During the hearing, when the IAP member requested counsel make Dr. Galvin available for testimony, Dr. Galvin’s counsel revealed that Dr. Galvin would not be appearing at the hearing on advice of counsel.⁶ Dr. Galvin was provided full opportunity to participate in the IAP adjudication.

IV. The Board’s Decision was not arbitrary or capricious, and the sanctions imposed are proportionate.

HISA did not selectively or vindictively prosecute Dr. Galvin in this matter; instead, the enforcement action against Dr. Galvin was based on his failure to provide over 3,000 veterinary treatment records to HISA – *which he has never disputed*. Dr. Galvin never identified any evidence indicating the enforcement of Rule 2251(b) was discriminatory, selective, arbitrary, or capricious.

⁵ IAP Decision at 9-10.

⁶ IAP Order at 6.

Rule 8200 provides a range of sanctions including a fine of *up to* \$50,000 and a lifetime ban from participation in Covered Horseracing activities. The two-year suspension and \$25,000 fine is reasonable and within the permitted sanctions of Rule 8200.

The record is clear and uncontested: Dr. Galvin failed to provide HISA with over 3,000 veterinary treatment records. The ALJ should affirm the Board Decision.

Respectfully submitted,

/s/ Bryan Beauman

Bryan Beauman

Rebecca Price

Sturgill, Turner, Barker & Moloney, PLLC

333 W. Vine Street, Suite 1500

Lexington, Kentucky 40507

Telephone: (859) 255-8581

bbeauman@sturgillturner.com

rprice@sturgillturner.com

HISA ENFORCEMENT COUNSEL

EXHIBIT A

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