

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

	)	
In the Matter of	)	
	)	
Dr. Michael J. Galvin,	)	Docket No. 9445
	)	
Appellant.	)	
	)	

**ORDER (1) DIRECTING BRIEFING ON QUESTIONS OF JURISDICTION  
AND (2) STAYING PROCEEDINGS**

In 2020, Congress enacted the Horseracing Integrity and Safety Act (“HISA”).<sup>1</sup> Among other things, HISA created the Horseracing Integrity and Safety Authority (the “Authority”), a private, independent, self-regulatory, nonprofit corporation, to “develop[] and implement[] . . . a racetrack safety program” throughout the United States.<sup>2</sup> The Authority promulgated, and the Federal Trade Commission approved, regulatory rules, which include the statutorily-required Racetrack Safety Program.<sup>3</sup> The Horseracing Integrity & Welfare Unit (“HIWU”) enforces these rules on behalf of the Authority.<sup>4</sup>

<sup>1</sup> 15 U.S.C. §§ 3051 *et seq.*

<sup>2</sup> *Id.* § 3052(a).

<sup>3</sup> *Id.* §§ 3053, 3056, 3057.

<sup>4</sup> FTC Rule 3010(e)(1).

The Racetrack Safety Program Rules, among other things, regulate veterinarians whose practice includes thoroughbred racehorses covered by HISA (“Covered Horses”).<sup>5</sup> These Rules impose on veterinarians recordkeeping requirements, which require, in pertinent part that: “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 . . . .”<sup>6</sup>

This case arises from sanctions imposed against Dr. Michael J. Galvin, a veterinarian, whom the Authority alleged failed to submit over 3,000 veterinary treatment records, as required by Rule 2251(b).<sup>7</sup> After an evidentiary hearing before an Internal Adjudication Panel, the IAP Member held HIWU had proven the violation charged.<sup>8</sup> On appeal, the Board of the Authority affirmed.<sup>9</sup>

Dr. Galvin has filed a Notice of Appeal and Application for Review (the “Review Application”), seeking review, under HISA § 3058(b), of the sanctions imposed. The Authority has filed its Response to Dr. Galvin’s Review Application.

I have reviewed the IAP Member’s Amended Final Decision and the Board Decision on Appeal affirming the IAP Member’s decision. I also have reviewed the rules relating to adjudication of the Authority’s charged violation of Rule 2251(b).

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<sup>5</sup> Racetrack Safety Rules 2220-51.

<sup>6</sup> Racetrack Safety Rule 2251(b).

<sup>7</sup> Appeal Book (“AB”) 8 (Notice of Violation).

<sup>8</sup> AB 1303 (Amended Final Decision).

<sup>9</sup> AB 1429 (Decision on Appeal).

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The IAP Member's Amended Final Decision does not, however, state the basis on which she had jurisdiction to adjudicate the Authority's charged violation, and I am unable, from my independent review of the Rules, to make that determination.

Because the IAP Member's jurisdiction is a pre-requisite to the Authority's appeal jurisdiction and, in turn, to my own review jurisdiction under HISA, I require briefing on this matter. Accordingly, it is hereby **ORDERED** that:

1. On or before December 23, 2025, the Authority must file a brief that sets forth the path, on a Rule-by-Rule sequence, that demonstrates the basis on which the Authority's charged Rule 2251(b) violation was within the IAP Member's jurisdiction to hear and resolve. The brief must: (a) identify the specific language in each Rule relied on, as well as supporting authority for relevant principles of statutory construction, if any, applied; and (b) attach all prior written discussion of an IAP Member's jurisdiction in a case referred by the Racetrack Safety Committee under Rule 8320(b)(2) (including that in electronic form) or state the basis for declining to do so.

2. Dr. Galvin may, if he sees fit, file a responding brief not later than January 2, 2026. This responding period takes account of intervening holidays and may not be asserted as precedent in other motion proceedings.

3. Further proceedings on Dr. Galvin's Review Application are **STAYED**, pending resolution of the issue described in this Order.

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4. This Order is not intended to, and does not, stay any of the sanctions imposed on Dr. Galvin, which are the subject of this review proceeding.

**ORDERED:**

*Jay L. Himes* \_\_\_\_\_

Jay L. Himes  
Administrative Law Judge

Date: December 16, 2025