

## RESPONDENT'S ADDITIONAL SUPPLEMENTAL STATEMENT

Docket No.: 9446

Respondent submits this Additional Supplemental Statement to clarify material issues concerning enforcement imbalance, systemic safety failures, medical standards, and due process that directly bear on the substantial-evidence analysis.

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### 1. Selective enforcement and failure to investigate systemic violations

The Authority placed exclusive responsibility on Respondent while failing to investigate or address systemic noncompliance by the racetrack with HISA Rule 2160, including the lack of effective veterinary availability and failure to activate emergency protocols. This one-sided enforcement posture reflects an imbalanced allocation of responsibility that undermines the safety rationale and raises serious concerns of arbitrary enforcement.

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### 2. Racetrack's independent duty to provide a 24/7 veterinary contact pathway

Under HISA's Racetrack Safety Program, the racetrack operator is required to designate attending veterinarians, maintain and post a veterinarian contact list, and ensure a functioning 24/7 emergency contact mechanism for covered horses. This obligation rests with the racetrack, not the trainer.

Respondent personally inquired about veterinary availability and was advised that no veterinarian was available on site. No effective emergency contact pathway was provided. This failure constitutes a systemic breakdown of racetrack safety responsibilities and cannot be shifted onto Respondent.

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### 3. Evidence from the steward hearing confirming lack of veterinary availability

Statements made during the steward hearing itself confirm the difficulty of obtaining veterinary assistance at the time of the incident.

During that discussion:

- Respondent explained that he contacted veterinarians, administered at-hand medication pursuant to veterinary guidance, and monitored and walked the horse while continuing to seek assistance.
- It was acknowledged that no veterinarian had physically examined the horse prior to the events at issue.
- Participants in the discussion recognized the practical difficulty of securing veterinary assistance.

Notably, one steward observed that veterinary availability had declined significantly, stating in substance that "it's not like it was before, when you could throw a rock and hit a veterinarian; now you can't find one with a search warrant."

This acknowledgment, made during the proceeding itself, confirms that the absence of immediate veterinary examination was not the result of neglect or refusal by Respondent, but rather the result of limited availability and real-world constraints recognized by officials conducting the hearing.

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#### 4. The narrative relied on prejgment and hindsight

At the earliest stage, a stigmatizing conclusion of animal abuse was reached without contemporaneous medical evidence. That narrative was later adopted despite the absence of clinical examination and in reliance on post-mortem inference. Reconstructing clinical notice, duration of suffering, or neglect from necropsy findings is medically unreliable and creates a substantial risk of erroneous deprivation.

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#### 5. The medical record contradicts “deprivation of medical care”

The necropsy confirms an acute catastrophic event and documents administration of medication. Respondent testified under oath that conservative at-hand medications and supportive care were provided pursuant to veterinary guidance. Testimony also confirmed that Respondent walked the horse for extended periods as supportive care. Nothing in the record contradicts this testimony.

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#### 6. MEDICAL CARE IS DEFINED BY THE NATURE OF THE ACT, NOT BY THE TITLE OF THE PERSON PROVIDING IT

Medical care is reasonable, timely, good-faith intervention based on observable symptoms and available resources. It includes stabilization, monitoring, administration of appropriate medication, and escalation when warranted. Respondent’s actions satisfy the professional standard of medical care, regardless of whether a veterinarian was physically present at the moment of treatment.

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#### 7. Conservative colic stabilization is accepted professional practice

When a veterinarian is not immediately available, standard equine practice is to initiate conservative stabilization—using anti-inflammatory medications for pain, adjunct agents to reduce anxiety and support circulation, and gastric protectants—while monitoring the horse until evaluation can occur. These measures are first-line management in non-surgical presentations.

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#### 8. Reasonableness—not outcome—governs legal standards of care

Courts hold that care is judged by reasonableness under the circumstances, not by tragic outcome or hindsight. Respondent’s actions were consistent with this standard of reasonable care.

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#### 9. Real-world constraints affecting veterinary access

Documented shortages of available veterinarians in many jurisdictions affect the timeliness of on-site response. The absence of immediate examination under such constraints cannot be equated with a lack of

reasonable care.

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#### 10. Reputational harm and the need for balanced enforcement

Public framing that assigns exclusive blame to Respondent—while omitting systemic failures—caused severe and lasting reputational harm and underscores the need for balanced, evidence-based enforcement rather than selective attribution of fault.

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#### 11. Request for disclosure of post-incident remedial measures

Respondent respectfully requests that the Commission direct the Authority to disclose whether any changes, directives, or remedial measures regarding veterinary coverage, emergency response protocols, or racetrack safety procedures were implemented at Belterra following this incident. Such information is material to assessing whether this case exposed systemic deficiencies and whether enforcement has since shifted toward institutional safeguards.

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#### Conclusion

These facts demonstrate that the Authority's case rests on an imbalanced narrative and hindsight inference rather than contemporaneous clinical evidence. The record shows reasonable, good-faith care under real-world conditions, including acknowledged limitations in veterinary availability. Due process requires that sanctions grounded in speculation and selective enforcement be vacated or, at minimum, stayed.

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Respectfully submitted,

Zvi Kriple

Respondent, pro se

Date: 02/07/2026

# RESPONDENT'S MOTION FOR LEAVE TO FILE

## ADDITIONAL SUPPLEMENTAL STATEMENT

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

In the Matter of:

Horseracing Integrity and Safety Authority, Inc.

Respondent: Zvi Kipple (pro se)

Docket No.: 9446

Administrative Law Judge: Hon. Jay L. Himes

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# RESPONDENT'S MOTION FOR LEAVE TO FILE

## ADDITIONAL SUPPLEMENTAL STATEMENT

Respondent respectfully moves for leave to file the attached Additional Supplemental Statement to clarify material issues bearing directly on the substantial-evidence and due-process analysis.

### Grounds

1. The Authority's allegations rely on a narrative that assigns exclusive responsibility to Respondent while omitting systemic failures under HISA Rule 2160.
2. Respondent has identified material facts and legal standards not previously addressed in full, including the racetrack's independent duty to maintain a 24/7 veterinary contact pathway and the legal standard that care is judged by reasonableness, not outcome.
3. Respondent also seeks disclosure of whether the Authority implemented post-incident remedial measures regarding veterinary coverage, which is material to assessing systemic deficiencies and enforcement balance.
4. The proposed submission is narrow, non-prejudicial, and clarifying. It does not raise new claims, but ensures the record is complete and accurate.

WHEREFORE, Respondent respectfully requests leave to file the attached Additional Supplemental Statement.

Respectfully submitted,

Zvi Kipple

Respondent, pro se

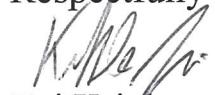
Date: 02/07/2026

## CERTIFICATE OF SERVICE

I hereby certify that on February 7, 2026, I served the foregoing Respondent's Motion for Leave to File Supplemental Statement Regarding Necropsy Findings and the attached Supplemental Statement by electronic mail upon counsel for the Horseracing Integrity and Safety Authority, Inc., and filed the same with the Federal Trade Commission, Office of Administrative Law Judges, in Docket No. 9446.

Executed on February 7, 2026.

Respectfully submitted,



Zvi Kripke

Respondent, pro