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

Administrative Law Judge: Jay L. Himes

_____)	
IN THE MATTER OF:)	
DR. MICHAEL J. GALVIN)	Docket No. 9445
)	
<i>Appellant.</i>)	
_____)	

**APPELLANT’S PROPOSED FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND ORDER**

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Dr. Michael J. Galvin*

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Dr. Michael J. Galvin submits the following Proposed Findings of Fact, Conclusions of Law, and Order.

PROPOSED FINDINGS OF FACT (“PFF”)

A. Procedural History

1. On August 23, 2024, the Horseracing Integrity and Safety Authority (“HISA”) issued a Notice of Violation alleging Dr. Galvin “failed to report to ... approximately 3,951 treatments administered to 497 Covered Horses between January 1, 2023 and March 7, 2024” – all in supposed violation of HISA Rule 2251(b). [Appeal Book (“AB”), Tab 3 at pp. 7-12]

2. Dr. Galvin objected to the Notice on grounds it violated HISA Rule 8200(d)(1)(ii), as it failed to “[s]pecify with reasonable particularity the factual basis of [HISA’s] belief that the provision has been violated.” Dr. Galvin further objected that HISA’s publication of the Notice failed to “disclose ... the identity of any applicable horse[,]” as required by HISA Rule 8380. [AB, Tab 4 at 14-15]

3. On October 29, 2024, enforcement counsel served a searchable Excel spreadsheet captioned “Preliminary Summary Exhibit” that spelled out a different number of treatments than alleged in the Notice of Violation. [Compare AB, Tab 43 (“approximately” 3,865 treatments), with AB, Tab 3 (“approximately” 3,951 treatments); see also AB, Tab 27, at pp. 215-219 (enforcement counsel identified additional treatments mistakenly included in the “Preliminary Summary Exhibit” (Exhibit 16); AB, Tab 58 (IAP Member finding “more than 3,000” unentered treatments)]

4. Pre-hearing conferences were held on October 30 and November 19, 2024. On December 3, 2024, the IAP Member set expedited dates for discovery and pre-hearing memos, and scheduled hearings for March 10 & 11, 2025. [AB, Tab 11]

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5. The December 3rd Scheduling Order spelled out no protocols for the conduct of the online hearings - making no provision for pre-marking or introducing exhibits, providing paper copies of same to the IAP Member in advance of the hearing, or setting parameters for screensharing of exhibits or online records. The December 3rd Scheduling Order also made no provision for dispositive or other motions.

6. On December 16, 2024, Dr. Galvin requested leave to depose HIWU Investigations Counsel Zachary Ceriani; HISA field support agent Tracy Gilman; and HIWU Director of Intelligence Naushaun Richards. Dr. Galvin also requested another status conference to schedule dispositive motions. [AB, Tab 12]

7. Enforcement counsel opposed the request for depositions, arguing they were prohibited under HISA Rule 7260. [AB, Tab 14 at 1] Rule 7260 prohibits a “*subpoena* for a deposition,” not depositions themselves. As Dr. Galvin sought to depose HISA/HIWU employees, subpoenas were not required. On January 3, 2025, the IAP Member denied Dr. Galvin’s request for depositions on the grounds advocated by enforcement counsel. [AB, Tab 16]

8. On January 16, 2025, Dr. Galvin served a Request for Production of Documents. Enforcement counsel filed its objections and produced documents on February 14, 2025. [AB, Tab 25 at 121-124 & 125-135]

9. On February 19 and 24, 2025, Dr. Galvin renewed his request for a status conference, seeking a briefing schedule for dispositive motions, and for motions to compel discovery and for *in limine* rulings. [AB, Tabs 17 & 19] The IAP Member did not grant the requests because no dates had been proposed for the requested conferences. [AB, Tab 20]

10. On February 24, 2025, enforcement counsel filed a pre-hearing statement. [AB, Tab 18 at 58-68] The same day, Dr. Galvin renewed his request for a status conference and advised

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that, absent opportunity to file motions *in limine*, to compel compliance with discovery, and for dismissal, the matter was not ripe for hearing. Dr. Galvin consequently advised he was unable to file a pre-hearing statement. [AB Tab 19]

11. On March 7, 2025, Dr. Galvin filed a motion to dismiss [AB, Tab 23 at 78-99 & Tab 25 at 103-135] on grounds (i) the Notice of Violation failed to charge a cognizable violation of HISA Rule 2251(b); (ii) the charged Violation was impermissibly duplicitous; (iii) HISA engaged in improper and prejudicial pre-accusation delay before issuing the Notice of Violation; (iv) the proceeding was the product of selective and/or vindictive prosecution; and (v) HISA impermissibly denied Dr. Galvin's narrowly tailored discovery requests and withheld exculpatory evidence. [AB, Tab 23 at 79-99]

12. The fact of Dr. Galvin's motion to dismiss was discussed at the outset of the March 10, 2025 hearing. The hearing transcript contains no record of that discussion. [AB, Tab 27 at 137, *et seq.*] The discussion instead is preserved in the first 46 minutes and 25 seconds of the video of the proceeding. [AB, Tab 26] Therein, the IAP Member acknowledged the complexity and seriousness of the issues raised, proposed adjourning the hearing pending full briefing and decision on the motion, but ultimately adopted enforcement counsel's suggestion to proceed without rulings on the motion. [See also AB, Tab 27 at 55-56]

B. Hearing Testimony and Exhibits

13. HISA's Rule 2251(b) case was predicated upon supposed owner or trainer "business records" produced during an abandoned HIWU investigation. [AB, Tabs 30-42 (Exhibits 3-15)] HISA aggregated those records in a "Preliminary Summary Exhibit." [AB, Tab 43 (Exhibit 16) (searchable Excel spreadsheet)] The owner/trainer records and "Preliminary Summary Exhibit" were introduced through the testimony of HIWU analyst Melissa Stormer.

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14. HISA listed 14 trainers as potential witnesses in the proceeding [AB, Tab 18 at 64-65], but none of them testified. HISA produced no other witness to authenticate or otherwise lay a foundation for its exhibits. Dr. Galvin preserved his foundation objections to each of the individual exhibits [AB, Tab 27 at 181, *et seq.*] - including the “Preliminary Summary Exhibit” [Exhibit 16] that purported to aggregate the individual records. [AB, Tab 27 at pp. 214, *et seq.*] The “Preliminary Summary Exhibit” suffered from additional infirmities: enforcement counsel acknowledged multiple errors in the exhibit, and was unwilling to identify who crafted the exhibit (including the multiple errors therein). [AB, Tab 27 at 215-219]

15. HIWU analyst Stormer also testified regarding entries contained in a notebook reportedly seized from Dr. Galvin’s vehicle. [AB, Tab 28; Tab 27 at pp. 146, *et seq.*] Stormer was not present when the notebook was seized, and did not identify the individual who seized the notebook. [AB, Tab 27 at 146] Dr. Galvin preserved hearsay and chain-of-custody objections to the exhibit. [AB, Tab 27 at 147-148]

16. Stormer further testified that HIWU veterinarian Dr. Patricia Marquis assisted her in interpreting “some technical and vet medical abbreviations and terms and names of drugs.” [AB, Tab 27 at 149] Stormer did not identify which “terms” or “names of drugs” she was unable to decipher. Stormer provided *no* testimony regarding *any* drug, and she provided *no* testimony regarding any treatment reflected in any of the exhibits – including the “Preliminary Summary Exhibit.” In particular, Stormer gave *no* testimony regarding “AIA’s,” “intra-articular injections,” or “intraarticular injections.” Nor did any other fact witness in the proceeding.

17. Stormer also testified concerning 3,121 treatments that Dr. Galvin *did* enter in the HISA portal between July 2022 and February 2025. [AB, Tab 27 at pp. 224, *et seq.*; Exhibit 17] Those treatment entries were not charged as violations of HISA Rule 2251(b) in the proceeding.

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The Exhibit was offered to establish supposed non-compliance with Rule 2251(b)'s 24-hour reporting requirement. Stormer did not know if HISA had ever charged a violation of the "24-hour" component of Rule 2251(b). [AB, Tab 27 at 292]

18. Stormer performed an online search for violations of Rule 2251(b). [AB, Tab 27 at pp. 127, *et seq.*] Stormer found only one other charged violation of the Rule - one that post-dated the present case and included an additional ADMC violation. [AB, Tab 27 at p. 127-128]

19. Stormer opined that every time a veterinarian "eyeballs" or simply looks at a horse that occurrence needs to be entered in HISA's portal. [AB, Tab 27 at 299] Stormer could not tell from the records she examined whether Dr. Galvin had simply "eyeballed" a horse or performed some other treatment. [AB, Tab 27 at 298-301; 323] Despite the questionability of Stormer's interpretation of the Rule and her inability to identify treatments, she nevertheless entered the events in her spreadsheet. [AB, Tab 27 at 298-301, 323]

20. Stormer acknowledged that the Equibase records she reviewed during her direct testimony provided no particulars regarding injuries or fatalities, and that she didn't interpret anything in the exhibits produced in the hearing as reflecting dangerous treatments by Dr. Galvin that could result in the death of a horse. [AB, Tab 27 at 303-305]

21. HIWU Investigations Counsel Ceriani testified on the defense case. He explained that HIWU spent months investigating whether Dr. Galvin performed improper intra-articular injections ("IAI's"); that HIWU had access to all the records introduced in this proceeding; and that the records revealed no impermissible IAI treatments. HIWU therefore did not charge Dr. Galvin with any ADMC Rule violations. [AB, Tab 46 at pp. 1016-1017, 1040-1041]

22. On July 11, 2025, the IAP Member found that Dr. Galvin violated Rule 2251(b) by failing to submit "over three thousand" treatment records to HISA between January 1, 2023 and

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March 7, 2024. [AB, Tab 58 at p. 1314] Although no ADMC charge was lodged or otherwise at issue in the proceeding, the IAP Member made extensive findings regarding supposed impermissible IAI treatments. [AB, Tab 58 at p. 1308] Without providing any explanation or reasoning, the IAP Member suspended Dr. Galvin's HISA registration for two years and imposed a \$25,000 fine. [AB, Tab 58 at p. 1308]

II. PROPOSED CONCLUSIONS OF LAW

1. The August 23, 2024 Notice of Violation was impermissibly duplicitous as it prejudiced Dr. Galvin in matters of notice, sentencing, appellate review, and confusion on the part of the IAP Member.

2. No other covered person was ever charged for failing to enter 2023 treatments in the HISA portal – even though HISA's public reports acknowledged nationwide non-compliance that year. In the circumstances, this first ever prosecution of alleged Rule 2251(b) violations represents a dramatic departure from HISA practice and precedent and therefore was arbitrary and capricious.

3. The IAP Member provided no explanation or reason for imposing a two-year suspension and \$25,000 fine. In the absence of explanation and any Rule 2251(b) precedent, the sanction imposed constitutes an abuse of discretion.

4. The July 10 Decision was not supported by substantial evidence, because HISA provided no evidentiary foundation for the vast majority of records introduced in the proceeding.

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III. PROPOSED ORDER

Based on the foregoing findings of fact and conclusions of law, incorporated herein, it is hereby **ORDERED AND ADJUDGED** that:

The Decision of the IAP Member **IS REVERSED**, The Civil Sanctions are **VACATED**, and the charges against Appellant are **DISMISSED, with prejudice**.

Entered this __ day of __, 2026

Jay L. Himes
Administrative Law Judge

Dated: February 18, 2026

Respectfully submitted,

/s/ Kim P. Bonstrom

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WORD COUNT AND SPECIFICATION CERTIFICATION

I, Kim P. Bonstrom, certify that the above Proposed Findings of Fact, Proposed Conclusions of Law, and Proposed Order was prepared using a computer Microsoft Word program, that I used Times New Roman Font, double spaced text, that I conducted a word count with the Microsoft program, and that this document is 1,731 words, exclusive of Cover, Word Count Specification and Certificate of Service.

February 18, 2026

/s/ Kim P. Bonstrom

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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 the foregoing Statement is being served on February 18, 2026, via Administrative E-File System and by emailing a copy to:

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I hereby certify that no portion of the filing was drafted by generative artificial intelligence (“AI”) (such as ChatGPT, Perplexity, Microsoft Copilot, Harvey AI, or Google Gemini).

/s/ Kim P. Bonstrom
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Dr. Michael J. Galvin