

**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**

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**AUTHORITY’S CORRECTED BRIEF, PROPOSED FINDINGS OF FACT  
AND CONCLUSIONS OF LAW, AND PROPOSED ORDER**

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The Horseracing Integrity and Safety Authority (the “Authority” or “HISA”), by counsel, pursuant to the briefing schedule provided by the Administrative Law Judge, submits the following Brief, Proposed Findings of Fact and Conclusions of Law, and Proposed Order.

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**BRIEF ON APPEAL**

Dr. Michael Galvin's ("Galvin") approach to this case tracks his approach to treating Covered Horses under HISA's Rules. He follows some of the rules some of the time. That is not what Congress requires of HISA. Congress *mandated* HISA establish a racetrack safety program which includes researching and studying risks to equine athletes from avoidable injuries. HISA does this, in part, through Rule 2251(b) which requires "every Veterinarian who examines or treats a Covered Horse shall" provide certain information to HISA within 24 hours.

Galvin follows his own path. Sometimes he submits his records; sometimes those records are months late; and frequently he never submits his records at all. His repetitive refusal to follow this reporting rule shows his disregard for the Horseracing Integrity and Safety Act (the "Act") and the Rules promulgated by the Federal Trade Commission. His approach also disregards the health and welfare of horses under his care, putting horses and riders at risk and thwarting study of incidents and horse's health.

The hefty – and undisputed - record below shows that between January 1, 2023 and March 7, 2024 Galvin failed to provide HISA with over 3,000 records of his veterinarian treatment of Covered Horses. Those missing treatment records prevent regulatory veterinarians and HISA from accessing critical horse health data. Galvin's failure to provide these records is undisputed. Galvin did not appear at the hearing and offered no evidence explaining his conduct.

**I. Rule 2251’s mandatory requirements are essential for HISA to fulfill its Congressional mandate and important for the health and safety of all horses and riders and for the integrity of the sport.**

The Act requires HISA to develop and implement a Racetrack Safety Program that includes, among other things, “a uniform set of training and racing safety standards and protocols consistent with the humane treatment of covered horses,”<sup>1</sup> “a uniform set of . . . equine injury reporting and prevention,”<sup>2</sup> and “programs for injury and fatality data analysis, that may include pre-and post-training and race inspections, use of a Veterinarian’s List...”<sup>3</sup>

The Act also requires HISA to “develop and maintain a nationwide database of racehorse safety, performance, health, and injury information for the purpose of conducting an epidemiological study.”<sup>4</sup> HISA “may 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.”<sup>5</sup> Rule 2251(b) does just that.

Horseracing Integrity and Welfare Unit (“HIWU”) Chief of Science Dr. Mary Scollay testified to the importance of Rule 2251: the timely reporting of veterinary treatments relates to horse safety and integrity.<sup>6</sup> Dr. Scollay explained that veterinary treatment records provide regulatory veterinarians critical information when conducting pre-race examinations of horses. Veterinarians rely on a complete, accurate horse health history to prioritize their examination of horses that may be at greater risk of injury.<sup>7</sup> Without a timely reporting of veterinary treatment records, i.e., a missing record, regulators cannot verify that horses are participating in compliance

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<sup>1</sup> 15 U.S.C. §3056(b)(2).

<sup>2</sup> 15 U.S.C. §3056(b)(4).

<sup>3</sup> 15 U.S.C. §3056(b)(5).

<sup>4</sup> 15 U.S.C. §3056(c)(3)(A).

<sup>5</sup> 15 U.S.C. §3056(c)(3)(B).

<sup>6</sup> FOF-41.

<sup>7</sup> FOF-40.

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with the rules, which promotes the integrity of competition as well as protects the safety of horse and rider.<sup>8</sup> When records are withheld or delayed, subsequent veterinarians (attending and regulatory), Responsible Persons (trainers), owners, or HISA may lack critical information regarding diagnoses, treatments, medications administered, surgical history, vaccination status, or known medical risks. This gap in information can result in inappropriate treatment, duplication of procedures, contraindicated medications, or delayed intervention in emergent situations.

Dr. Scollay also explained why timely reporting of treatment records is crucial to maintaining a current and accurate Veterinarian's List.<sup>9</sup> Regulatory veterinarians access the Veterinarian's List to determine a horse's eligibility to participate in a race or workout based on the horse's health or treatment history.<sup>10</sup>

As one example, HISA Rule 2271 prohibits a horse from racing or working out for a period of time after an intraarticular injection.<sup>11</sup> An intraarticular injection is an anti-inflammatory injection that can mask symptoms of a potential injury and the untimely reporting can prevent a regulatory veterinarian or trainer from considering and evaluating the risk of injury for a horse that races or participates in a workout.<sup>12</sup> The Veterinarian's List is a mechanism that tracks these injections.

Reporting veterinary treatments then is not optional or merely optimal. It is mandatory and required to be done the next day – not months down the road.

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<sup>8</sup> FOF-41.

<sup>9</sup> FOF-41.

<sup>10</sup> FOF-40. The Veterinarian's List is used by regulators to identify horses that are ineligible to race or workout for health reasons. FOF-42.

<sup>11</sup> FOF-42.

<sup>12</sup> FOF-42.

## II. The discovery of Galvin's records missing from the HISA Portal.

Galvin maintained a daily notebook that listed trainers, horses, and dates of his examinations and treatments with an occasional dollar amount he charged which was discovered in a search of Galvin's property at Belmont Park in September 2023.<sup>13</sup> HIWU investigator Melissa Stormer reviewed the treatment notebook, verified some entries with Dr. Patricia Marquis, and compared Galvin's records with the entries he made in the HISA Portal (the "Portal").<sup>14</sup> She found a litany of records listed in Galvin's notebook were not submitted to the HISA Portal as required under Rule 2251.<sup>15</sup>

In September 2023, HIWU also sent Galvin a demand for his records.<sup>16</sup> He provided those, through counsel, representing that the items included were records of his services performed on horses.<sup>17</sup> The production identified his "Work Done from 9/1/22-9/1/23" provided dates, trainers and names of horses.<sup>18</sup> Stormer compared the records provided by Galvin and found even more examinations and treatments that had not been submitted to the HISA Portal.<sup>19</sup>

HIWU then requested veterinary records from trainers and owners of the horses Galvin identified in his notebook.<sup>20</sup> Stormer compared those responses to Galvin's Portal entries and again identified hundreds of treatment records not in the Portal.<sup>21</sup>

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<sup>13</sup> FOF-1.

<sup>14</sup> FOF-2.

<sup>15</sup> FOF-2.

<sup>16</sup> FOF-3.

<sup>17</sup> FOF-4.

<sup>18</sup> FOF-4.

<sup>19</sup> FOF-5.

<sup>20</sup> FOF-6.

<sup>21</sup> FOF-8.

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In all, Galvin performed over 3,000 examinations or treatment of horses between January 1, 2023 through March 7, 2024 that were not submitted to the Portal as required under Rule 2251.<sup>22</sup> Galvin cannot claim he did not know that he needed to submit records or that he did not know how.

Take the former point first. There is no doubt of Galvin's knowledge of the mandatory reporting requirement. On May 12, 2023, Galvin noted in his notebook that he communicated with HIWU investigator Brett Smith regarding Rule 2251(b) reporting requirements.<sup>23</sup> Galvin's notebook also contained contact information for HISA field support staff Tracy Gilman who assists veterinarians with questions about the Portal.<sup>24</sup> On June 15, 2023, enforcement counsel wrote to Galvin warning that continued noncompliance with Rule 2251(b) could result in an enforcement action with sanctions and providing guidance on how to enter veterinary treatment records in the Portal.<sup>25</sup> On February 21, 2024, enforcement counsel again wrote to Galvin identifying missing veterinary treatment records for FOREIGN INFLUENCE and alerting that future noncompliance could result in an enforcement action with sanctions.<sup>26</sup>

Galvin also surely knew how to submit his records. Between July 2022 to February 2025, Galvin entered 3,121 treatment records in the Portal.<sup>27</sup> His prior Portal record entry history shows:

- in May and June of 2023, Galvin entered two treatment records in the Portal<sup>28</sup>
- in July 2023, he entered no treatment records<sup>29</sup>

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<sup>22</sup> FOF-32.

<sup>23</sup> FOF-10.

<sup>24</sup> FOF-10.

<sup>25</sup> FOF-11.

<sup>26</sup> FOF-12.

<sup>27</sup> FOF-31.

<sup>28</sup> FOF-33,34.

<sup>29</sup> FOF-35.

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- in August 2023, he entered four treatment records<sup>30</sup>
- between December 2023 to April 24, 2024, Galvin entered a total of 32 treatment records, seven of which were more than a month old and one had occurred over a year prior in July 2022.<sup>31</sup>
- The vast majority (2,474) were then entered between April 24-June 10, 2024.<sup>32</sup>

In March 2024, HIWU issued records requests to the owners and trainers for whom Galvin performed services.<sup>33</sup> It is no great leap then to conclude the records requests to trainers and owners were the Spring 2024 catalyst for Galvin to enter hundreds of records in the Portal, many of which were several months late.

But why did he leave out more than 3,000 additional records? Had he appeared at the hearing, he certainly could have provided that answer.

### **III. The troubling aspect of Galvin's missing records.**

At the hearing, Stormer performed a demonstration of her comparative analysis of Galvin's records HIWU obtained against those entered in the Portal. For example, trainer records for the horse AWESOME GLO submitted to HIWU showed 19 treatments by Galvin never reported to the Portal.<sup>34</sup> Over October 2 and October 3, 2023 BARRAGE received a "lameness exam," "dexamethasone shot," "bute," and "polyglycan" according to veterinary treatment records the trainer submitted to HIWU but none of these records were entered in the Portal.<sup>35</sup> AWESOME FORCE was treated on August 22 and September 1, 2023 according to its' trainer records and

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<sup>30</sup> FOF-36.

<sup>31</sup> FOF-37.

<sup>32</sup> FOF-31.

<sup>33</sup> FOF-31.

<sup>34</sup> FOF-29a.

<sup>35</sup> FOF-29b.

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those were not entered in the Portal.<sup>36</sup> The evidence below shows these missing records for horse, date, and treatment identifying the source of the original evidence, much of which came from Galvin's own records.<sup>37</sup>

The context of some of the missing records show why this is important. Some horses had catastrophic outcomes and no records can be found. Others still simply stopped racing with no identified examination or treatment reasons.

For example, BOWL OF CHERRIES raced on September 28, 2023 and suddenly died the next day.<sup>38</sup> The horse's race and workout history on Equibase<sup>39</sup> shows 11 workouts or races between July 13, 2023 to September 28, 2023.<sup>40</sup> Galvin's own production documented "work done"<sup>41</sup> on the horse on or around July 12, 2023 and August 7, 2023.<sup>42</sup> Galvin did not enter any records in the Portal for those dates.<sup>43</sup>

LA AGUILILLA raced on August 25, 2023 and died a month later.<sup>44</sup> Galvin's records show he had "work done" on the horse six times between April 25, 2023 to August 22, 2023.<sup>45</sup> None of those records were in the HISA Portal yet the horse had ten workouts and seven races between April and August 2023.<sup>46</sup>

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<sup>36</sup> FOF-29c.

<sup>37</sup> FOF-32

<sup>38</sup> FOF-29d.

<sup>39</sup> Equibase is a public database and the official accepted source for horseracing statistics and results. FOF-29d.

<sup>40</sup> FOF-29d.

<sup>41</sup> "Work done" is not a known term for specific veterinary treatment.

<sup>42</sup> FOF-29d.

<sup>43</sup> FOF-29d.

<sup>44</sup> FOF-29e.

<sup>45</sup> FOF-29e.

<sup>46</sup> FOF-29e.

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LAWFUL raced on June 15, 2023 and July 9, 2023, and completed a workout on August 2, 2023 but had to be euthanized afterwards.<sup>47</sup> In Galvin's production, he noted "work done" records for LAWFUL on June 12, 2023 and July 6, 2023 close in time to the two races but no entries for LAWFUL exist in the portal for those dates.<sup>48</sup>

Had Galvin submitted his required examination and treatment records, there may be answers to the following:

- Why did BIG PACKAGE never race after June 15, 2023 even though Galvin treated it the same day?<sup>49</sup>
- FENWAY raced on June 4, 2023 in a claiming race and the regulatory veterinarian voided the claim because the horse was lame. Galvin's records indicate he treated the horse throughout May and on June 1. Why was FENWAY lame on June 4 and why did it never race again?<sup>50</sup>
- Galvin saw SHE'S A NINE in April, May, and June 2023. SHE'S A NINE never raced after July 16, 2023.<sup>51</sup> Why?
- Galvin's notebook and "work done" records mention over 180 treatments for Trainer David Jacobson<sup>52</sup> and others for trainer Chris Englehart.<sup>53</sup> Why are these records not in the HISA Portal?

Those questions abound, and more, but cannot be answered. What happened to BOWL OF CHERRIES, LA AGUILILLA, LAWFUL; were their fatalities preventable; can that etiology be

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<sup>47</sup> FOF-29f.

<sup>48</sup> FOF-29f.

<sup>49</sup> FOF-30a.

<sup>50</sup> FOF-30c.

<sup>51</sup> FOF-30e.

<sup>52</sup> FOF-30f.

<sup>53</sup> FOF-30g.

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compared to other horses? If Galvin had complied with Rule 2251 at least some data would be available to be combined with other, and HISA could better carry out its Congressional mandate.

The record here plainly demonstrates Galvin violated Rule 2251(b) and failed to enter over 3,000 veterinary examinations and treatments in the Portal. This is not some singular, isolated instance where Galvin forgot to enter a single treatment record or was occasionally delayed by a few hours or days in timely reporting records to the Portal. Instead, the evidence in the record is robust that for more than a year Galvin systematically disregarded his obligation under Rule 2251(b) to enter veterinary records within 24 hours.

Even more concerning, records for horses injured in training or racing, or dying shortly after – are “the [Holy Grail] in terms of information that [HISA] needed to really refine [HISA’s] ability to assess risk and identify horses that warrant additional protection.”<sup>54</sup> Galvin’s systematic failure to timely report veterinary treatment records impedes HISA’s ability to fulfill its Congressional mandate<sup>55</sup> to study risks to equine athletes, and limits regulators’ ability to safeguard current equine athletes in real time from avoidable injuries. Withheld or delayed records also carry a risk to those caring for a specific horse (such as subsequent attending and regulatory veterinarians, trainers, and owners) who are deprived of critical information about the horse’s health which can result in inappropriate or unnecessary treatment, contraindicated medications, or delayed attention.

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<sup>54</sup> AB-46\_Scollay\_890:20-23.

<sup>55</sup> 15 U.S.C. §3056(b)(11).

#### **IV. Issues raised by Galvin's appeal.**

Making no effort to refute the facts, Galvin's appeal raises eight issues addressing the sufficiency of the process. The ALJ's January 7, 2026 Order distills those into four topics, each addressed below.

##### **A. Due Process**

Galvin argues the enforcement action against him was flawed because he was charged with only one violation of failing to report treatment and not 3,000+ separate violations. From there, he complains the enforcement action was simultaneously under-inclusive but still duplicitous.

Galvin argues HISA should have issued more than 3,000 separate notices and conducted over 3,000 separate hearings. That approach is flawed for a variety of reasons. First, nothing in HISA rules require separate notices, charges, and hearings for this abject failure. Second, it is contrary to the requirement of Rule 2251(b) which requires the reporting of 11 separate data points (horse/responsible person/veterinarian name, HIDA ID numbers, test results, diagnosis, condition treated, etc.). If Galvin's argument were accurate, would each missing piece of information result in its own stand-alone charge? Third, following Galvin's preferred approach could leave Covered Persons to defend thousands of contemporaneous cases, an overwhelming task for all involved, including any appeals here, and not desired by HISA. Fourth, some would argue Galvin's approach could give HISA an unfair advantage. After all, following Galvin's desire, a hearing could be held for charge after charge until an adverse finding was finally issued. Fifth, imagine the penalty. If Galvin was suspended the minimum possible for each missing treatment record (one day), under his theory of the process, his suspension would have been nearly ten years.

Galvin was provided notice with reasonable particularity of the allegations against him: "You failed to report to HISA approximately 3,951 treatments administered to Covered Horses

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between January 1, 2023 and March 7, 2024.”<sup>56</sup> On October 29, 2024, enforcement counsel provided Galvin’s counsel more detail including an Excel spreadsheet listing all unreported treatment records and the voluminous supporting records demonstrating each item he failed to report. The pre-hearing process in this matter extended over December 2024 through the end of February 2025. At Galvin’s later request, HISA also provided a second detailed Excel file which identified all the records Galvin did submit to the Portal. He had ample time to review the original Excel sheet of missing records, and compare it to his notes, his “work done” records he supplied, the other trainer and owner records, and his later request Excel file of those records which he had reported.

### **B. Arbitrary and capricious enforcement**

Galvin argues his case is the “first-ever” prosecuted under Rule 2251(b) and that he should be excused from submitting his treatment records because previously other veterinarians were non-compliant and no enforcement cases were brought against them. On June 15, 2023, HISA issued Galvin a letter regarding his “Failure to Submit Veterinary Records in Accordance with HISA Rule 2251(b)” specifically warning that “future noncompliance could result in an enforcement action and subject you to a range of sanctions.”<sup>57</sup> This caution was repeated in correspondence to Galvin on February 21, 2024.<sup>58</sup> He offers no excuse for his continued non-compliance.

### **C. Excessive Sanctions**

Galvin argues his sanction was unprecedented. So too was his failure to provide over 3,000 veterinary treatment records to HISA. He has never disputed that failure, knowledge of Rule 2251’s requirements, or the process for reporting treatments to HISA. By failing to report 3,000+

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<sup>56</sup> FOF-14.

<sup>57</sup> FOF-11; AB-1 at 2.

<sup>58</sup> FOF-12; AB-2 at 6.

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treatment records, Galvin impeded HISA's congressional mandate, and deprived subsequent owners, trainers, and veterinarians of critical horse health information. The sanction imposed under Rule 8200(b) is proportional to the nature, chronicity, and severity of Galvin's violation.

#### **D. Substantive and Procedural Deficiencies**

Galvin lastly argues the hearing officer erred by not providing certain pre-hearing matters and her ruling was deficient because it (1) relied upon exhibits that he believes lacked evidentiary support and (2) did not include sufficient factual findings.

As for the pre-hearing procedure, as detailed in the proposed findings of fact, the IAP member permitted substantive pre-hearing procedures including a status conference on October 30, 2024, where counsel raised a number of items, and a second status conference on November 19, 2024. While Galvin did request another status conference, the IAP member asked counsel to provide proposed dates and, as the IAP member noted, "Galvin's counsel did not provide the proposed dates as requested, so no additional status conference was held."<sup>59</sup>

Galvin also requested depositions which are not permitted under HISA Rules. The IAP member allowed briefing by the parties on the issue and properly held that no depositions are permitted in HISA enforcement actions. The IAP member did permit Galvin to submit written requests for production of documents to HISA and gave him a deadline to do so. Although he submitted the requests after the required deadline, HISA timely responded, objected where appropriate, and produced a number of items. Galvin ignored other pre-hearing deadlines such as not providing any witness and exhibit list, and as discussed above, elected to not appear at the

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<sup>59</sup> AB-58 at 1305; FOF-20.

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hearing. Galvin can point to nothing in the pre-hearing process that was erroneous, and his strategic choice to not appear does not rise to any error by the IAP member.<sup>60</sup>

As for the evidence at the hearing, the record thoroughly provides this detail. Galvin failed to provide HISA with thousands of records of his veterinary examinations and treatment. The unreported records came from three primary sources: (1) Galvin's notebook, recovered during the administrative search; (2) Galvin's responses to HIWU's request for treatment records; and (3) responses to the various requests for records issued to trainers and owners who use Galvin for veterinary treatment. The veterinary treatment evidenced in these records were then compared to the records previously submitted in the Portal. Any record from these sources that was previously submitted was not part of the charge against Galvin, even if submitted woefully late. Veterinary examinations and treatment noted in these sources that were not in the Portal comprised the charge against him.

Consider also that two of three sources of evidence came *directly from Galvin*, and he argues now about the reliability of his own records. While it seemingly would have been quite a challenge for Galvin to testify at the hearing that his own records were inaccurate, he forfeited that opportunity by choosing to skip the hearing.

One final note, the original source records were provided to Galvin on October 29, 2024 as well as a summary exhibit itemizing the records not submitted to HISA and identifying the source of that information. Galvin's appeal seemingly questions the reliability of a summary exhibit. Although the Federal Rules of Evidence do not apply to these proceedings, the contours of FRE 1007 were followed here. Counsel had previously discussed the voluminous records at issue and that a summary detail would be provided. Subsequent to that conversation, the summary

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<sup>60</sup> FOF-17 to 27.

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exhibit was provided on October 29, 2024, identified that it was prepared by counsel (as summary exhibits used at trial frequently are), and given an explanation of the data. Enforcement counsel wrote:

As we discussed, we have compiled, and I will attach here, a preliminary summary exhibit which reflects the treatments and horses which were referenced in the Notice for Dr. Galvin. I am providing the document to you in an Excel file for convenience in sorting. You will see columns of data for the trainer, horse, date, treatment, and “corresponding document.” That latter designation applies to a number of documents where you can access the information. Those items are collectively too large to send by email and are available for you to download at this link: [*LINK IN ORIGINAL*]. Please let me know if you have difficulty accessing any item.<sup>61</sup>

A summary exhibit was the right call for at least two reasons. First, the underlying records produced via a ShareFile link totaled over approximately 436 pages, many of which were lists of treatments. Second, because some of those records included *all* treatments identified in the various source documents, some veterinary treatments had been previously submitted by Galvin (even those most were untimely). Therefore, the summary exhibit benefited Galvin by separating the relevant (records missing from the Portal) from the irrelevant (records previously submitted to the Portal) while simultaneously providing the original source documents. FRE 1007, while not controlling, clearly allows summary exhibits of this nature regardless of whether the underlying voluminous records used to create the summary have been separately admitted into evidence.

Finally, Galvin’s complaint about details missing from the ruling below is not all that clear. He seemingly claims that any ruling below must recite verbatim the evidence produced or at least list every missing treatment by date and by horse. That seems to argue a written ruling must read like a transcript and “copy and paste” all the data from each exhibit. HISA Rule 8340 does not require that level of redundancy. The ruling below plainly and succinctly found the sheer volume

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<sup>61</sup> FOF-16; AB-71 at 1441.

of Galvin's wholesale failure to comply with Rule 2251. The ruling below, with the sanctions against Galvin of a two-year suspension and a \$25,000.00 fine should be affirmed.

### **PROPOSED FINDINGS OF FACT**

#### **I. Background to the Charges**

1. HIWU received information that Galvin disposed of materials for the administration of unreported intraarticular injections and possessed other banned substances at Belmont Park.<sup>62</sup> HIWU conducted a search of Galvin's property at Belmont Park in September 2023.<sup>63</sup> Investigators discovered Galvin's veterinary notebook which, among other things, listed various trainers and horses Galvin examined or treated on given dates along with dollar amounts next to some treatments. Galvin would often cross through a trainer's name indicating he had completed his work for that trainer on that day.<sup>64</sup> HIWU photocopied Galvin's notebook obtained during the search and returned the original to him.

2. HIWU investigator Melissa Stormer conducted the investigatory analysis of Galvin's veterinary notebook, consulting with Dr. Patricia Marquis at HIWU to verify technical and veterinary abbreviations and terms. Stormer created a spreadsheet detailing the entries from Galvin's notebook that included: dates of treatments, horses treated, and the trainers for whom the work was done, then compared these items to the veterinary treatment records Galvin had entered in the HISA Portal identifying records that had not been reported.<sup>65</sup>

3. In September 2023, while Stormer was reviewing Galvin's notebook, HIWU issued Galvin a "Demand for Business Records," which sought production of all purchase records for

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<sup>62</sup> AB-46\_Ceriani\_1016:11-23.

<sup>63</sup> AB-46\_Ceriani\_1020:13-14.

<sup>64</sup> AB-28 at 380-481.

<sup>65</sup> AB-27\_Stormer\_145:22-146:5; 148:18-22.

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veterinary supplies, purchase records from any online veterinary supplier, and accounting records for any services provided to horses for the prior year.<sup>66</sup>

4. On November 13, 2023, Galvin, through counsel, responded to the request for records (“Galvin’s production”). Galvin’s production included a written explanation and exhibits: A–“Patterson Veterinary Supply Invoices;” B–“Saudi Tyro Invoices;” C–“Trainer Ray Handal-produced records;” D–“HISA and ESAL Entries;” and E–“Galvin ‘Work Done’ Entries.”<sup>67</sup> Important for this appeal, the “Trainer Ray Handal-produced records” contains Handal’s records of treatments performed by Galvin, and the “Galvin ‘Work Done’ Entries” is a list created by Galvin purporting to be “Work Done from 9/1/22-9/1/23” and includes a list of treatments with corresponding dates, trainers, and horses.<sup>68</sup>

5. Stormer added Galvin’s production to her analysis and compared these additional veterinary records to those in the Portal. Her review identified numerous examinations and treatments recorded in Galvin’s personal notebook and identified in his “Work Done” production that had not been logged by Galvin in the Portal.<sup>69</sup>

6. The discrepancies of entries in Galvin’s notebook and records entered in the Portal focused HIWU’s further investigation into Galvin’s recordkeeping.<sup>70</sup> In March 2024, HIWU issued requests for records from trainers and owners Galvin identified in his notebook and in the Galvin production.<sup>71</sup>

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<sup>66</sup> AB-70 at 1437-1439.

<sup>67</sup> AB-29 at 482-616.

<sup>68</sup> AB-29 at 482-616.

<sup>69</sup> AB-27\_Stormer\_157:5-14.

<sup>70</sup> AB-46\_Ceriani\_1020:15-25.

<sup>71</sup> AB-27\_Stormer\_159:10-160:15.

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7. Stromer utilized 13 of the trainer responses to the HIWU request for records. Again, she compared those listed treatments to Galvin's records entered in the Portal and identified numerous other unreported treatments.<sup>72</sup>

8. After adding these records to her comparison,<sup>73</sup> Stormer determined that Galvin had sporadically entered some of his treatment records in the Portal and failed to enter the majority in the Portal.<sup>74</sup>

## **II. Prior Communication with the Authority**

9. Galvin registered with the Authority as a Covered Person and Veterinarian. Given his status, he had login information to access the HISA Portal and input his veterinary treatment records in in the Portal.<sup>75</sup>

10. On May 12, 2023, Galvin noted in his veterinary notebook that he communicated with HIWU investigator Brett Smith regarding Rule 2251(b) reporting requirements.<sup>76</sup> Galvin's veterinary treatment notebook also contained contact information for Tracy Gilman, HISA field support, who is available to assist veterinarians with questions relating to use of the Portal and entry of veterinary treatment records.<sup>77</sup>

11. On June 15, 2023, enforcement counsel for the Authority issued Galvin a warning letter expressing that continued noncompliance with Rule 2251(b) could result in an enforcement

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<sup>72</sup> AB-30 through AB-42 at 617-879 (AB-42 also contains documentation from John Kasbar, an owner for whom Mr. Noda trained Covered horses. AB-27\_Beauman\_206:24-207:10).

<sup>73</sup> AB-27\_Stormer\_213:5-10.

<sup>74</sup> AB-27\_Stormer\_213:5-10.

<sup>75</sup> AB-27\_Stormer\_150:6-8.

<sup>76</sup> AB-28 at 403.

<sup>77</sup> AB-28 at 403.

action with possible sanctions. That letter also provided guidance on how to enter veterinary treatment records in the Portal.<sup>78</sup>

12. On February 21, 2024, enforcement counsel for the Authority issued Galvin another warning letter regarding his failure to submit veterinary treatment records for FOREIGN INFLUENCE. The letter again informed Galvin that failure to comply with Rule 2251(b) could lead to enforcement actions and potential sanctions.<sup>79</sup>

### **III. Notice and Procedural History**

13. On August 23, 2024, HISA issued Galvin a Notice of Violation for noncompliance with Rule 2251(b) – failure to enter veterinary treatment records in the Portal.<sup>80</sup>

14. The Notice of Violation stated that Galvin “failed to report to HISA approximately 3,951 treatments administered to 497 horses between January 1, 2023 and March 7, 2024.”<sup>81</sup>

15. On August 29, 2024, Galvin, through counsel, responded to the Notice of Violation and asked the Authority to “revoke the Notice and immediately remove same from HISA’s website.”<sup>82</sup>

16. On October 29, 2024, enforcement counsel for the Authority provided a Summary Exhibit in the form of an Excel file spreadsheet that consolidated Stormer’s investigation.<sup>83</sup> The Summary Exhibit logged all veterinary treatments and examinations that were not entered in the Portal and were drawn from information in the Galvin’s veterinary treatment notebook, the Galvin Production, and documents from other trainers received in response to records requests. The

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<sup>78</sup> AB-1 at 1-3.

<sup>79</sup> AB-2 at 4-6.

<sup>80</sup> AB-3 at 7-12.

<sup>81</sup> AB-3 at 7-12.

<sup>82</sup> AB-4 at 13-15.

<sup>83</sup> AB-43(Excel); Counsel’s cover email is at AB-71 at 1440-1441.

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Summary Exhibit was searchable, and indicated trainer, horse, date of treatment, and primary source of the record. At the same time, counsel provided copies of the original source documents supporting the Summary Exhibit.<sup>84</sup>

17. On October 30, 2024, the Internal Adjudication Panel (“IAP”) member conducted an initial pre-hearing conference.<sup>85</sup>

18. On November 19, 2024, the IAP conducted a second pre-hearing conference.<sup>86</sup> The IAP Member then issued a procedural schedule with deadlines for position statements on depositions, discovery requests and responses, pre-hearing disclosures, and the dates for the evidentiary hearing.<sup>87</sup>

19. On December 16, 2024, enforcement counsel served its Position Statement on Depositions.<sup>88</sup> On the same day, counsel for Galvin sent the IAP and enforcement counsel for the Authority a letter detailing his request for depositions and additional discovery, a request for a stay in proceedings, and a request for an additional status conference.<sup>89</sup>

20. On January 3, 2025, the IAP sent the parties an email with her order ruling that depositions were not permitted.<sup>90</sup> She also addressed Galvin’s request for another status conference: “I have no objection to this request and ask that Mr. Bonstrom provides several dates that can be considered by the other parties.”<sup>91</sup> Counsel for Galvin did not reply to this email or provide the IAP or enforcement counsel with proposed dates for another status conference.<sup>92</sup>

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<sup>84</sup> AB-43(Excel); AB-71 at 1440-1441.

<sup>85</sup> AB-8 at 22-27; AB-9(video).

<sup>86</sup> AB-10(video).

<sup>87</sup> AB-10(video); AB-11 at 31.

<sup>88</sup> AB-13 at 36; AB-14 at 39-51.

<sup>89</sup> AB-12 at 33-34.

<sup>90</sup> AB-15 at 53; AB-16 at 55.

<sup>91</sup> AB-15 at 53.

<sup>92</sup> AB-58 at 1311-1312.

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21. On February 19, 2025, counsel for Galvin sent the IAP a letter requesting a status conference to discuss dispositive motions.<sup>93</sup>

22. On February 24, 2025, enforcement counsel for the Authority submitted its prehearing statement to the IAP and served a copy on counsel for Galvin.<sup>94</sup> On the same day, counsel for Galvin sent the IAP another letter indicating they were unable to supply a pre-hearing memorandum.<sup>95</sup>

23. On March 6, 2025, the IAP responded to Galvin's counsel.<sup>96</sup> She informed him that she previously offered a status conference, but he "failed to provide any dates to be considered."<sup>97</sup> In reference to an alleged "newly discovered conflict," the IAP instructed counsel for Galvin to provide an explanation of said conflict by March 7, 2025.<sup>98</sup>

24. On March 7, 2025, counsel for Galvin responded to the IAP's request with a letter explaining that enforcement counsel would be a fact witness in this case and should be disqualified from representing the Authority.<sup>99</sup> He also submitted a Motion to Dismiss on the same day.<sup>100</sup>

#### **IV. IAP Hearing, March 10-11, 2025**

25. The IAP conducted an evidentiary hearing on March 10-11, 2025.<sup>101</sup>

26. Enforcement counsel presented witness testimony from HIWU investigator Melissa Stormer<sup>102</sup> and HIWU Chief of Science Dr. Mary Scollay.<sup>103</sup> Enforcement counsel requested to

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<sup>93</sup> AB-17 at 57.

<sup>94</sup> AB-18 at 59-68.

<sup>95</sup> AB-19 at 70.

<sup>96</sup> AB-20 at 72.

<sup>97</sup> AB-20 at 72.

<sup>98</sup> AB-20 at 72.

<sup>99</sup> AB-21 at 74-75.

<sup>100</sup> AB-23 at 79-99.

<sup>101</sup> AB-26 and 27(videos).

<sup>102</sup> AB-27\_Stormer\_144:2-347:1.

<sup>103</sup> AB-46\_Scollay\_887-936:6.

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call Galvin as a witness.<sup>104</sup> However, despite being the respondent named and identified as a witness on the Authority's pre-hearing statement,<sup>105</sup> Galvin failed to appear at the hearing on the advice of his counsel.<sup>106</sup>

27. Though Galvin did not submit a witness list or any responsive prehearing submission, counsel for Galvin informed the IAP after the first day of the hearing that he intended to call HIWU investigations counsel Zach Ceriani and HISA help desk support person Tracy Gilman as witnesses.<sup>107</sup> Even with no prior notice, enforcement counsel made Mr. Ceriani and Ms. Gilman available for testimony the following day.<sup>108</sup> Counsel for Galvin entered no exhibits in the record.<sup>109</sup>

#### **V. Evidence of Non-Reporting of Veterinary Records in the Portal**

28. In her testimony, Stormer provided the information above about her investigation and conducted a live demonstration of her comparative analysis of Galvin's veterinary examinations and treatments to records in the Portal.<sup>110</sup>

29. For example, Stormer demonstrated:

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<sup>104</sup> AB-46\_Royse\_936:7-9.

<sup>105</sup> AB-18 at 63.

<sup>106</sup> AB-46\_Bonstrom\_941:17-18.

<sup>107</sup> AB-27\_Bonstrom\_351:17-352:20.

<sup>108</sup> AB-46\_Gilman\_991:10-1006:11; AB-46\_Ceriani\_1009:16-1042:22; AB-46\_Royse\_988:16-25. Counsel for Galvin also requested to call Naushaun Richards, HIWU Director of Intelligence & Strategy, as a witness on the second day of the hearing. Mr. Richards was unavailable due to a preexisting commitment.

<sup>109</sup> AB-27 at 137-379; AB-46 at 883-1080.

<sup>110</sup> AB-27\_Stormer\_233:1-255:20.

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- a. Trainer Rob Atras produced veterinary treatment records for AWESOME GLO indicating Galvin treated the horse 19 times.<sup>111</sup> Galvin did not enter any of these records in the Portal.<sup>112</sup>
- b. BARRAGE, a horse trained by Ray Handal, received a “lameness exam,” “dexamethasone shot,” “bute,” and “polyglycan” over October 2 and October 3, 2023 according to veterinary treatment records Mr. Handal submitted to HIWU.<sup>113</sup> None of these records had been entered in the Portal.<sup>114</sup>
- c. No records of veterinary treatment record of Galvin for AWESOME FORCE are in the Portal despite his trainer providing records of treatment for August 22 and September 1, 2023.<sup>115</sup>
- d. Galvin logged in his veterinary treatment notebook that he completed “work done” for BOWL OF CHERRIES on July 12 and August 7, 2023.<sup>116</sup> However, upon a search of the Portal, Galvin had not entered either of those records in the Portal.<sup>117</sup> Equibase records reflect that BOWL OF CHERRIES worked out on August 8, raced on August 11, worked out on August 22, 27, 31 and September 6, 10, and 23, and raced on September 28, 2023.<sup>118</sup> BOWL OF CHERRIES suddenly died on September 29, 2023.<sup>119</sup> Galvin entered no

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<sup>111</sup> AB-27\_Stormer\_233:1-236:2; AB-31 at 697-699; AB-43(Excel) rows 55-73.

<sup>112</sup> AB-27\_Stormer\_233:1-235:24; AB-51 at 1208-1209.

<sup>113</sup> AB-30 at 679.

<sup>114</sup> AB-27\_Stormer\_236:20-238:22; AB-43(Excel) rows 2234-2237; AB-51 at 1210-1211.

<sup>115</sup> AB-27\_Stormer\_238:23-243:7; AB-32 at 741-742; AB-43(Excel) rows 1996-2000; AB-51 at 1212-1213.

<sup>116</sup> AB-48 at 1160-1175; AB-29 at 612, 614.

<sup>117</sup> AB-51 at 1214.

<sup>118</sup> Equibase is a public database and is the official accepted source for horseracing statistics, results, dates of entries, workout times, and the names of trainers, owners for thoroughbred and quarter horses. AB-51 at 1215-1216; AB-27\_Stormer\_245:5-18.

<sup>119</sup> AB-27\_Stormer\_245:19-23.

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veterinary treatment records for BOWL OF CHERRIES in the Portal from July 20 to September 2023.<sup>120</sup>

e. LA AGUILLA, according to the Galvin Production, had “work done” on April 25, May 17, June 13, June 20, July 30, and August 22, 2023.<sup>121</sup> None of these “work done” records appeared in the Portal.<sup>122</sup> Equibase records indicate that LA AGUILILLA worked out ten times and raced seven times between April and August 2023.<sup>123</sup> LA AGUILILLA raced on August 25, 2023 and suddenly died a month later.<sup>124</sup>

f. The Galvin Production indicated Galvin completed “work done” on LAWFUL on June 12 and July 6, 2023,<sup>125</sup> yet these records were absent from the Portal.<sup>126</sup> According to Equibase records, LAWFUL raced on June 15 and July 9, 2023 – shortly after Galvin’s Production indicated he performed work on the horse – and worked out multiple times from June to August 2023.<sup>127</sup> LAWFUL was euthanized on August 2, 2023,<sup>128</sup> the same day the horse completed a workout.<sup>129</sup>

30. Enforcement counsel for the Authority made a proffer of the cross-examination, testimony, and evidence it would have presented through Galvin if he had appeared at the hearing.<sup>130</sup>

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<sup>120</sup> AB-27\_Stormer\_244:7-246:2.

<sup>121</sup> AB-29 at 607-615.

<sup>122</sup> AB-27\_Stormer\_252:1-253:9; AB-51 at 1217-1222.

<sup>123</sup> AB-27\_Stormer\_246:10-254:5; AB-51 at 1220-1221.

<sup>124</sup> AB-27\_Stormer\_254:12-13; AB-51 at 1222.

<sup>125</sup> AB-29 at 610, 612.

<sup>126</sup> AB-27\_Stormer\_255:3-6; AB-51 at 1223-1224.

<sup>127</sup> AB-27\_Stormer\_255:7-16; AB-51 at 1225-1226.

<sup>128</sup> AB-27\_Stormer\_255:17-19.

<sup>129</sup> AB-51 at 1225-1226.

<sup>130</sup> AB-46\_Bonstrom/Royse\_939:25-994:11(AB-48 at 1084-1187)(AB-48 is the exhibit used in the proffer).

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- a. On May 4, 2023, BIG PACKAGE was claimed by trainer Oscar Barrera.<sup>131</sup> Galvin provided multiple treatments to BIG PACKAGE on May 11, 2023, and he recorded the amount he charged for each treatment in his notebook.<sup>132</sup> Galvin treated BIG PACKAGE again on June 15, 2023, and denoted he charged a total of \$520 for right and left fetlocks, iron, Lasix, scope, “jug/vit,” “bute” and “nartq.”<sup>133</sup> BIG PACKAGE raced on June 15, 2023, and was claimed in that race for \$62,500.<sup>134</sup> Despite Galvin’s veterinary treatment notebook indicating he treated the horse on May 11, June 1, and June 15, 2023, no such treatment records appear in the Portal.<sup>135</sup> Galvin also did not list any “work done” for BIG PACKAGE in the Galvin Production.<sup>136</sup> BIG PACKAGE never raced again after June 15, 2023.<sup>137</sup>
- b. SCOTT ALAIA raced for Pristine Racing on April 20, 2023, and Mr. Barrera claimed the horse on that day.<sup>138</sup> Galvin’s treatment notebook indicated he treated SCOTT ALAIA on May 11, June 1, and June 15, 2023.<sup>139</sup> Galvin recorded the amount he billed for each treatment he provided on June 15, 2023.<sup>140</sup> Yet, despite his treatment notebook, no record of these treatment exist on the Portal<sup>141</sup> or in the “work done” records listed in the Galvin Production.<sup>142</sup>

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<sup>131</sup> AB-46\_Royse\_948:12-17(AB-48 at 1096).

<sup>132</sup> AB-46\_Royse\_948:22-949:7(AB-48 at 1097-1101).

<sup>133</sup> AB-46\_Royse\_951:14-952:1 (AB-48 at 1102-1104).

<sup>134</sup> AB-46\_Royse\_952:21-953:23(AB-48 at 1108-09).

<sup>135</sup> AB-46\_Royse\_952:2-21(AB-48 at 1106-07).

<sup>136</sup> AB-46\_Royse\_954:16-955:7(AB-48 at 1106, 1113-1115).

<sup>137</sup> AB-46\_Royse\_953:20-23(AB-48 at 1110).

<sup>138</sup> AB-46\_Royse\_947:23-948:7(AB-48 at 1093).

<sup>139</sup> AB-46\_Royse\_955:8-956:21(AB-48 at 1117-1121).

<sup>140</sup> AB-46\_Royse\_951:4-13(AB-48 at 1093).

<sup>141</sup> AB-46\_Royse\_956:14-957:2(AB-48 at 1122).

<sup>142</sup> AB-46\_Royse\_957:3-13(AB-48 at 1123-1124).

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- c. FENWAY raced for Mr. Barrera on May 14, 2023.<sup>143</sup> Galvin’s treatment notebook indicated he treated FENWAY’s fetlocks on May 11, 2023;<sup>144</sup> and the horse raced on May 14, 2023.<sup>145</sup> Galvin also treated FENWAY on June 1, 2023,<sup>146</sup> and the horse raced on June 4, 2023 in a claiming race.<sup>147</sup> A regulatory veterinarian voided the claim of FENWAY because the horse was lame, and the horse never raced again.<sup>148</sup> Galvin never entered any veterinary treatment records for FENWAY in the HISA Portal, and he never reported “work done” to FENWAY in the Galvin Production.<sup>149</sup>
- d. PROVEN HOPE raced for Mr. Barrera on May 14, 2023.<sup>150</sup> Galvin’s treatment notebook indicated he treated PROVEN HOPE multiple times.<sup>151</sup> Specifically, Galvin treated the horse on June 15, 2023, and Galvin recorded the amount he billed for each treatment he provided.<sup>152</sup> No such record exists in the Portal.<sup>153</sup>
- e. Galvin reported that he performed “work done” on SHE’S A NINE, trained by Rob Atras,<sup>154</sup> on April 26, May 18, and July 13, 2023.<sup>155</sup> However, Mr. Atras’s produced records indicate that Galvin treated SHE’S A NINE on April 27, April 29, May 19, May 21, July 14, and July 16, 2023.<sup>156</sup> No veterinary treatment records exist in the Portal for

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<sup>143</sup> AB-46\_Royse\_948:8-11(AB-48 at 1094).

<sup>144</sup> AB-46\_Royse\_957:21-25(AB-48 at 1127-1128, 1134).

<sup>145</sup> AB-46\_Royse\_958:9-15(AB-48 at 1129).

<sup>146</sup> AB-46\_Royse\_958:16-21(AB-48 at 1130-1131, 1134).

<sup>147</sup> AB-46\_Royse\_958:22-25(AB-48 at 1132-1133).

<sup>148</sup> AB-46\_Royse\_959:4-11(AB-48 at 1132).

<sup>149</sup> AB-46\_Royse\_959:12-20(AB-48 at 1135-1136).

<sup>150</sup> AB-46\_Royse\_947:19-22(AB-48 at 1092).

<sup>151</sup> AB-46\_Royse\_951:4-7(AB-48 at 1087-1090).

<sup>152</sup> AB-46\_Royse\_951:4-7(AB-48 at 1102).

<sup>153</sup> AB-43(Excel).

<sup>154</sup> AB-29 at 608-613.

<sup>155</sup> AB-46\_Royse\_959:23-964:4(AB-48 at 1139-1140).

<sup>156</sup> AB-46\_Royse\_960:25-961:15(AB-31 at 686-695).

- the horse from April 2023 to July 2023.<sup>157</sup> SHE'S A NINE did not race again after July 16, 2023.<sup>158</sup>
- f. Trainer David Jacobson appears in Galvin's veterinary treatment notebook multiple times, and the Galvin Production mentions he completed "work done" for Mr. Jacobson 180 times.<sup>159</sup> Yet not a single correlating Portal entry exists for any of those treatments.<sup>160</sup>
- g. The Galvin Production refers to several "work done" for trainer Chris Englehart.<sup>161</sup> Galvin never made any corresponding record entries in the Portal for horses trained by Mr. Englehart.<sup>162</sup>

31. Galvin sporadically entered records in the Portal. From July 2022 to February 2025, he submitted 3,121 veterinary treatment records to the Portal.<sup>163</sup> Nearly 80%, 2,474, were entered in the six weeks between April 24-June 10, 2024.<sup>164</sup> Stormer testified that HIWU issued its treatment request letters to trainers for whom Galvin provided veterinary services in March 2024 - just before Galvin began submitting mass numbers of records.<sup>165</sup>

32. Overall, the evidence at trial showed Galvin failed to input over 3,000 veterinary treatment records in the Portal.<sup>166</sup>

33. In May 2023, Galvin entered one veterinary treatment record in the Portal.<sup>167</sup>

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<sup>157</sup> AB-46\_Royse\_963:9-20(AB-48 at 1146).

<sup>158</sup> AB-46\_Royse\_963:19-20(AB-48 at 1141).

<sup>159</sup> AB-46\_Royse\_976:10-21.

<sup>160</sup> AB-46\_Royse\_971:9-977:9(AB-48 at 1169-1175).

<sup>161</sup> AB-46\_Royse\_977:10-13.

<sup>162</sup> AB-46\_Royse\_977:13-979:12(AB-48 at 1178-1187).

<sup>163</sup> AB-44(Excel file of Galvin records entered in the Portal).

<sup>164</sup> AB-44(Excel); AB-27\_Stormer\_232:9-15.

<sup>165</sup> AB-27\_Stormer\_232:13-15.

<sup>166</sup> AB-43(Excel).

<sup>167</sup> AB-27\_Stormer\_226:9-10; AB-44(Excel).

34. In June 2023, Galvin entered one veterinary treatment record in the Portal.<sup>168</sup>

35. In July 2023, Galvin entered no treatment records in the Portal.<sup>169</sup>

36. In August 2023, Galvin entered four treatment records in the Portal.<sup>170</sup>

37. From December 2023 to April 24, 2024, Galvin entered 32 treatment records in the Portal.<sup>171</sup> Seven of those treatments occurred more than one month prior to their entry in the Portal, and one occurred more than one year prior to July 1, 2022.<sup>172</sup>

38. Galvin did not testify and offered no evidence to dispute the missing records that were not in the HISA Portal.<sup>173</sup>

## VI. Impact of Veterinary Records in the HISA Portal

39. HIWU scientists and veterinarians use the veterinary examination and treatment records in the Portal to assess the records of all laboratory findings of a potential anti-doping and controlled medication violation. Timely and accurate data in the Portal allows HIWU to better understand and review laboratory testing results.<sup>174</sup>

40. The veterinary records in the Portal also provide important information to regulatory veterinarians who conduct pre-race examinations of horses. The complete health history of a horse enables regulatory veterinarians to prioritize examinations of horses at a greater risk of injury as indicated by health history.<sup>175</sup>

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<sup>168</sup> AB-27\_Stormer\_227:5-7; AB-44(Excel).

<sup>169</sup> AB-27\_Stormer\_227:8-9; AB-44(Excel).

<sup>170</sup> AB-27\_Stormer\_227:10-11; AB-44(Excel).

<sup>171</sup> AB-27\_Stormer\_227:5-228:5; AB-44(Excel).

<sup>172</sup> AB-44(Excel), rows 9-14, 52-83 (when sorted by “Activity\_Created\_Date” Column 3).

<sup>173</sup> AB-26 and AB-45 (videos).

<sup>174</sup> AB-46\_Scollay\_891:3-9.

<sup>175</sup> AB-46\_Scollay\_891:13-892:5.

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41. Timely and accurate horse health information in the Portal also ensures regulators can verify that horses competing in races comply with health and medication rules.<sup>176</sup> Record reporting is also critical to ensure Attending Veterinarians and subsequent owners and trainers of the Covered Horse have a complete picture of the horse's health history.

42. The Veterinarian's List is used by regulators to identify horses that are ineligible to race or workout for health reasons.<sup>177</sup> For example, horses treated with intraarticular injections are placed on the Veterinarian's List and are prohibited from racing for 14 days and prohibited from conducting a workout for 7 days. If that injection occurs in the fetlock, the standdown times increase to 30 days for racing and 14 days for workouts.<sup>178</sup> Intraarticular injections are anti-inflammatory injections that may cover up symptoms of an injury from a regulatory veterinarian or trainer's pre-race examination. Masked symptoms increase the risk of injury to horses because the underlying condition has not been resolved – only the symptoms.<sup>179</sup>

### **PROPOSED CONCLUSIONS OF LAW**

1. The Horseracing Integrity and Safety Act of 2020 mandated HISA develop national rules relating to racetrack safety and anti-doping and medication control. The rules relating to racetrack safety comprise HISA's Racetrack Safety Program.<sup>180</sup> Upon approval by the Federal Trade Commission, the Racetrack Safety Program took effect on July 1, 2022.

2. HISA Rule 2251(b) sets forth reporting requirements for veterinarians<sup>181</sup> who provide veterinary treatment to Covered Horses and provides: "every Veterinarian who examines

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<sup>176</sup> AB-46\_Scollay\_894:11-895:5.

<sup>177</sup> AB-46\_Scollay\_895:24-897:9.

<sup>178</sup> AB-46\_Scollay\_897:13-17. A fetlock is essentially the horse's ankle joint.

<sup>179</sup> AB-46\_Scollay\_898:5-19.

<sup>180</sup> Rule 2000 series.

<sup>181</sup> Rule 1020.

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...”

3. This Rule helps fulfill HISA’s mandate from Congress to create a “nationwide database of racehorse safety, performance, health, and injury information for the purpose of conducting an epidemiological study.”<sup>182</sup>

4. HISA created an on-line “Portal” as the record keeping platform for the electronic submission of such records. The Portal is a proprietary database that allows Covered Persons to register in different roles within the horseracing industry, tracks horse ownership and training history, rulings, fine payments, medical records, veterinary treatments, Veterinarian’s List examinations, and retirement status of a horse.<sup>183</sup>

5. The Portal provides regulatory veterinarians with critical information regarding a horse’s health history prior to competing in races and aggregate data for continued study and industrywide risk mitigation by HISA.<sup>184</sup>

6. The timely entry of veterinary records in the Portal allows regulatory veterinarians to review a horse’s complete health history and mitigate the risk of injury or death before that horse competes by not allowing the horse to race.

7. Data in the Portal also allows HISA and HIWU to study trends of horse health histories to provide industrywide leadership in prevention of future injuries to equine athletes which allows HISA and HIWU to meet the “...strong mandate to demonstrate that we are being

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<sup>182</sup> 15 U.S.C. §3056(c)(3).

<sup>183</sup> AB-27\_Stormer\_149:13-20.

<sup>184</sup> AB-46\_Scollay\_895:24-897:9.

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mindful and responsible and ethical when we care for these horses. That we are not taking unnecessary risks.”<sup>185</sup>

8. Galvin is a veterinarian engaged in the care and treatment of Covered Horses and, as a Covered Person, is required to comply with Rule 2251(b)’s reporting requirements by submitting all veterinary treatment records to the Portal within 24 hours.

9. The record reflects an extensive course of failure by Galvin to report to the Portal over three thousand of his veterinary treatments and examinations of Covered Horses from January 1, 2023 through March 7, 2024, and thus, Galvin violated Rule 2251(b).<sup>186</sup>

10. When provided the opportunity to provide a meaningful defense, Galvin affirmatively elected not to appear at the hearing nor enter any evidence in the record to counter the allegations that he systematically failed to comply with Rule 2251(b).

### **PROPOSED ORDER**

For the reasons set forth in this ruling, the ALJ finds Galvin violated Rule 2251(b) and his conduct and failure to comply with Rule 2251(b) should result in a significant sanction. The fine in the amount of \$25,000 is upheld. The two year suspension of Galvin’s registration with the Authority is upheld and 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 July 10, 2025, the date of the IAP Decision.

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<sup>185</sup> AB-46\_Scollay\_893:15-18.

<sup>186</sup> AB-43(Excel).

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Respectfully submitted,

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### **WORD COUNT CERTIFICATE**

This document complies with the word limit of 16 C.F.R. § 1.146(c)(4), this document contains 7,497 words as counted by Microsoft Word.

/s/Bryan Beauman

HISA Enforcement Counsel

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**CERTIFICATE OF SERVICE**

I hereby certify that on February 23, 2026, pursuant to Federal Trade Commission Rules of Practice 4.2(c) and 4.4(b), I caused the foregoing Corrected Brief of the Authority, Proposed Findings of Facts and Conclusions of Law, and Proposed Order to be electronically filed via Administrative E-File System and served as provided below. I further certify that no portion of the filing was drafted by generative artificial intelligence (“AI”).

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