PUBLIC

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES
FTC DOCKET NO. D-9447

ADMINISTRATIVE LAW JUDGE:

IN THE MATTER OF:

CRAIG LEWIS **APPELLANT**

THE AUTHORITY'S RESPONSE TO APPELLANT'S APPLICATION FOR STAY

PUBLIC

CERTIFICATE OF SERVICE

Pursuant to 16 CFR §1.146(a) and 16 CFR §4.4(b), a copy of the Authority's Response is being served on March 16, 2026, via Administrative E-File System and by emailing a copy to:

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The Horseracing Integrity and Safety Authority, Inc. (the "**Authority**") files this Response to Appellant's Application ("**Application**") to stay sanctions imposed pursuant to the Final Decision ("**Decision**") issued by Internal Adjudication Panel (the "**IAP**") under the Authority's Anti-Doping and Medication Control ("**ADMC**") Program. The Application should be denied, as Appellant has failed to satisfy the requirements for a stay.[1]

First, the likelihood of Appellant's success on review is low.

The ADMC Program Rules (the "**Rules**") were appropriately followed by the Horseracing Integrity & Welfare Unit ("**HIWU**") and the IAP. HIWU met its burden of proof pursuant to Rule 3312, which states that "sufficient proof" of a violation is established where the B Sample is analyzed and confirms the presence of the Controlled Medication Substance in the A Sample.[2]

The Decision was *not* "arbitrary, capricious, an abuse of discretion, prejudicial or otherwise not in accordance with the law."[3] Disqualification for violations arising from Post-Race Samples are *automatic*, and Appellant is only entitled to an elimination of the fine and penalty points if he establishes that he bears No Fault under Rule 3324, which he did not. A finding of No Fault is unavailable in this instance, where the undisputed evidence showed that Appellant was aware that Methocarbamol was administered to his Covered Horse.[4] Appellant's displeasure with the Decision does not render it invalid.

Similarly, Appellant's disagreement with the IAP's decision to deny his request for DNA testing does not mean it was in error; it was not. Appellant does not cite a single Rule which would support his contention, as ADMC Program Rules do not provide a right to DNA testing. Under

[1] 16 C.F.R. §1.148(d).
[2] Authority's Appeal Book ("**AB**") at p. 166.
[3] Application at p. 1.
[4] AB at p. 92.

WADA case law, such testing should only be ordered in limited circumstances where there is genuine doubt as to the identity or integrity of the Sample.[5]

HIWU is also not required to produce a witness to authenticate the A Sample, B Sample, or associated Laboratory analysis. "Facts related to violations may be established by any reliable means" and "Laboratories are presumed to have conducted Sample analysis and custodial procedures in accordance with the Laboratory Standards."[6] Appellant made no attempt to invalidate the Adverse Analytical Finding, and, if Appellant wished to cross-examine Laboratory witnesses, he could have requested a subpoena from the IAP, but did not.[7]

The IAP member was appointed in accordance with Rule 7040 and properly completed the required conflict of interest forms.[8] There was no objection to her service, except that, *during* the IAP hearing, Appellant made a reference to the IAP member's lack of a formal legal education;[9] however, there is no such requirement in the Rules (see Rule 7040(f), which clearly contemplates that a state steward like the IAP member here is an appropriate member of the IAP).

As he did in the matter below,[10] Appellant misstates the status and content of proposed modifications to the ADMC Program. The Authority posted proposed modifications for *informal public comment*, which is *not* the public comment period afforded by the Commission *after* the Authority submits its proposed rules to it. More importantly, the current Rules are the ones that apply to this matter. Methocarbamol is a Class C Controlled Medication Substance under the Rules *currently* in effect (and there has been no proposal to change that).

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[5] *Ruffoni v UCI*, CAS 2018/A/5518, par. 118; see also *Mullins v. Jamaican Anti-Doping Commission*, CAS 2012/A/2696, para. 7.4.
[6] Rule 3122.
[7] Rule 7260(f).
[8] AB at pp. 5-6.
[9] IAP Hearing at 1:19:25-1:20:57.
[10] AB at pp. 14, 60, 234-237.

Second, Appellant has not and will not suffer irreparable harm.

Appellant's claim that reputational harm *may* arise is not alone sufficient to justify a stay[11] and certainly does not rise to the level of *irreparable* harm as "speculative injury is not sufficient."[12] Rule 3620 requires Public Disclosure of Appellant's sanctions, which were published on HIWU's website on March 4, 2026. The potential violation itself was posted by HIWU on November 3, 2025, in accordance with Rule 3610. Thus, as required by the Rules, the facts of this case have already been made public.

Disqualification of race results are not processed until "the violation has been finally adjudicated," and thus, the Disqualification will not occur until Appellant exhausts his appeal. *See* Rule 3321(c)(2). Moreover, harm can only be considered irreparable "where there is no adequate remedy at law, such as monetary damages"[13] and "the temporary loss of income…does not usually constitute irreparable injury."[14] Any imposed fine paid by Appellant would clearly be recoverable.

Third, contrary to Appellant's submission, third parties will *not* be harmed by the denial of a stay.

As outlined above, the race results will not be Disqualified while Appellant's appeal is pending, and the Authority strongly contests Appellant's argument that the Decision contained errors or improper sanctions. The ADMC Program protects the integrity of horseracing and the confidence of its stakeholders.[15] Granting the stay would undermine these efforts.

Fourth, the stay is *not* in the public interest.

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[11] *In the Matter of Dr. Larry Overly, DVM*, Order on Application for Review and Application for Stay at p. 14.
[12] *Id.* at p. 15, citing *Janvey v. Alguire* 647 F.3d 585, at 600 (5th Cir. 2011).
[13] *Janvey v. Alguire*, 647 F.3d 585, 600 (5th Cir. 2011).
[14] *Sampson v. Murray*, 415 U.S. 61, 90 (1974).
[15] Rules 3010(a) and 3010(d)(7).

"A stay pending appeal is an intrusion into the ordinary processes of administration and judicial review, so this extraordinary relief is never granted as a matter of right."[16] The public interest is served by individual compliance with the rules and regulations validly promulgated by federal agencies. Appellant bears the burden of satisfying the express requirements for a stay, as well as providing facts which support that request. He has not done either.

The Authority requests that Appellant's Application for a stay be denied.

ALL OF WHICH IS RESPECTFULLY SUBMITTED THIS 16th day of March, 2026.

/s/*Bryan H. Beauman*

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[16] *Overly* at p. 10, citing *Rhode Island State Council of Churches v. Rollins*.