

BEFORE THE FEDERAL TRADE COMMISSION  
OFFICE OF ADMINISTRATIVE LAW JUDGES

Public

FTC DOCKET NO. D-9444

ADMINISTRATIVE LAW JUDGE: HON. JAY L. HIMES

IN THE MATTER OF:  
EUSABIO JUAREZ-RUFINO APPELLANT

**RESPONDENT’S REPLY**

HISA’s Findings abandon reasoned adjudication in favor of rhetoric. The repeated assertions that Mr. Terrazas was “tapped ... to prop up a concocted story,” that his testimony “smacks of deception,” and that it should be “rejected wholesale as outrageous” are not findings — they are mere accusations untethered to any new evidence. They are also irreconcilable with what two prior adjudicatory bodies already did with the same record.

**HISA’S Position Cannot Be reconciled With the Oaklawn Stewards’ Findings or Its Own Prior Adoption of Those Findings**

The identical evidence — same items, same testimony, same alleged inconsistencies — has already been evaluated twice by the Oaklawn Park Stewards:

1. Summary Suspension Phase: After hearing this same evidence Stewards lifted the suspension. To lift the Stewards had to necessarily find *no public danger existed* and that possession of the items was not a credible indication of cheating. Intended agriculture use was apparent.
2. Merits Phase: After a full hearing on that same evidence, the Oaklawn Stewards imposed a **30-day suspension**.

Public

HISA itself *adopted* that 30-day result in the parallel syringe possession case based on this identical evidence. HISA now asks this tribunal to believe the very same testimony it previously accepted as sufficient for a limited sanction is suddenly so inherently deceptive that it must be “rejected wholesale” and warrants accelerated sanctions. That position is not just inconsistent — it is *institutionally untenable*. An enforcement body cannot ratify a set of credibility determinations in one proceeding and then, without new evidence, declare those same determinations irrational in another. What HISA labels “outrageous” is, in fact, the exact testimony already credited by the regulatory professionals charged with regulating racing on the grounds. Later that finding was accepted by HIWU itself.

### **This Proceeding is an Improper Re-Litigation of the Same Evidence Under a New Label**

This case involves possession of alleged “dipo,” but the proof is not new. It is merely a derivative of the same syringes, the same circumstances, and the same witness testimony already adjudicated. HISA has not identified any new physical evidence. HISA has not identified any new laboratory finding tied to a covered horse. It has not identified any new witness, or any new act of administration. Instead, HISA repackages the same record and attempts to *inflate the penalty by re-characterizing credibility*. That is not a new case — it is a second attempt to punish the same conduct, this time considerably more severely. While labeled differently, the posture has the hallmarks of impermissible penalty stacking: Identical evidence → first adjudication (30 days) → second proceeding → escalated characterization → harsher consequence. Absent genuinely new evidence, this is arbitrary enforcement, not adjudication.

### **The Attack on Mr. Terrazas is Rhetorical, Not Evidentiary**

Public

HISA's credibility attack depends on magnifying minor, immaterial inconsistencies — the type that naturally arise from non-native English speakers, recollection of routine agricultural practices, and questioning that demands artificial precision about trivial details. There is no inconsistency that changes the central fact the items were not tied to any racehorse, were not tied to any administration, or to any attempt to affect a race. HISA's approach — demanding perfect recall of incidental details and then branding normal variance as “deception”— is not a reliability standard. Instead, it is a trap for the unwary. That argument penalizes language barriers and ordinary human memory, rather than testing whether the core account of evidence holds together. Here, it does.

### **HISA's Theory Ignores Common Agricultural Practice and the Findings of Those Best Positioned to Evaluate**

Arkansas is not an abstract laboratory. It is an agricultural state where the home-treatment of animals including poultry is commonplace. Farmers including Mr. Terrazas know what gauge needle to use on a rooster. The Oaklawn Stewards are professionals with daily on-track experience and familiarity with the regional context. They heard this explanation. They found **no public danger**, and further, no basis for more than a limited sanction. **Those findings matter**. They reflect *practical expertise* and credibility determinations made in real time by adjudicators closest to the facts. HISA's current position effectively asks this tribunal to conclude that the Stewards' credibility determinations were unsound and that HISA itself erred when it adopted their 30-day sanction. That is an extraordinary claim—and HISA offers **no new evidence** to justify.

### **The Appropriate Result is Consistency, Not Escalation**

Public

Can HISA take the same evidence it already accepted for a 30-day sanction and re-labeling the theory thereby transforming it into something far more serious? The answer must be no. To hold otherwise would permit enforcement by after-the-fact reinterpretation, where the severity of the charge turns not on new facts, but on how aggressively prior testimony can be re-described. That is the definition of arbitrary and capricious decision-making.

### **The Witness Agreement**

What truly does “smack” is HISA’s effort to twist an undisputed procedural filing posture into a plight to create deception to avoid consequences. The first “affidavit” was merely an unsigned characterization of the notarized document that would be presented. Splitting hairs defies logic. The scribble “cell phone signature” document was mistakenly provided when in fact the signed original notarized existed. Where’s the deception?

The Witness Agreement original is Exhibit A. As counsel’s prior note suggested, the signed notarized original should have been presented during the hearing. No party challenged the witness being under the Court’s jurisdiction. The document is authentic. The suggestion Respondent was trying to deceive through the presentation these documents smacks of absurdity.

### **CONCLUSION**

HISA’s Findings do not expose a new truth; they instead repackage an old record with sharper language. The Oaklawn Stewards expertise and proximity to the facts are undisputed. They already evaluated this evidence and imposed a limited sanction. HISA adopted the same. This tribunal should reject HISA’s attempt to relitigate identical evidence and escalate punishment through rhetoric rather than facts. The prior adjudications got it right. This one should not undo them.

Public

*[Handwritten Signature]*

/s/ John Mac Hayes  
John Mac Hayes, OBA #15512  
1601 S. Victor Ave.  
Tulsa, OK 74104  
(918) 888 0630  
johnmachayeslaw@aol.com  
**ATTORNEY for RESPONDENT**

**CERTIFICATE**

This certifies any language drafted by A.I. occurring in the of the Reply was reviewed by me, checked through online database and certified accurate.

/s/ John Mac Hayes

**CERTIFICATE OF SERVICE**

This certifies the above document was emailed to HISA Counsel Brian Beauman [bbeauman@sturgillturner.com](mailto:bbeauman@sturgillturner.com) and Rebecca Price [rprice@sturgillturner.com](mailto:rprice@sturgillturner.com); HIWU Counsel Michelle Pujols [mpujols@hiwu.org](mailto:mpujols@hiwu.org) Allison Farrell [afarrell@hiwu.org](mailto:afarrell@hiwu.org) and Christy Heath [cheath@hiwu.org](mailto:cheath@hiwu.org) ALJ Jay Himes [oalj@ftc.gov](mailto:oalj@ftc.gov) and [electronicfilings@ftc.gov](mailto:electronicfilings@ftc.gov)

/s/ John Mac Hayes

PUBLIC

Exhibit A

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

In the Matter of	)	
	)	
Eusebio Juarez-Rufino,	)	Docket No. 9444
	)	
Appellant.	)	
	)	

WITNESS AGREEMENT

I, Luis Terrazas, state as follows:

1. I understand that Eusebio Juarez-Rufino, the Appellant in this case, seeks to call me to give sworn testimony as a witness on his behalf at an evidentiary hearing that will be scheduled in the case. I further understand that if I appear as a witness and testify, I will be subject to cross-examination by counsel for the Horseracing Integrity and Safety Authority (“the Authority”) and may also be questioned by the Court.

2. I agree to appear at the evidentiary hearing and to testify.

3. For the purposes of this case only, I voluntarily consent to the authority of this Court, including that conferred by 5 U.S.C. § 556, 15 U.S.C. § 3058(b), and FTC Rule 1.146(c).

4. I understand that the evidentiary hearing is expected to be conducted via Zoom or another comparable video/audio application. If it is, I consent to my

PUBLIC

Exhibit A

testimony at the hearing being deemed given in New York, New York, just as if I testified in person there.

5. I also understand that if satisfactory arrangements for a remote evidentiary hearing cannot be reached, then the hearing will be conducted in person in either New York, New York or Washington, D.C. I will be apprised of the location at least 14 calendar days in advance of the hearing date.

6. I understand that, if I wish to do so, I may speak to an attorney concerning this matter before signing this Agreement. I also understand that I may be represented by an attorney when I testify at the evidentiary hearing.

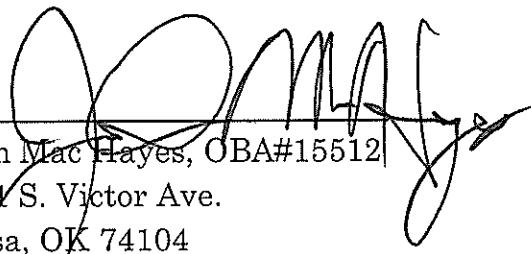
I declare under penalty of perjury that the foregoing is true and correct.

Executed at \_\_\_\_\_, Arkansas, on December\_\_\_\_\_, 2025.

  
\_\_\_\_\_  
Luis Terrazas

AGREED:

Date: 12-16, 2025

  
\_\_\_\_\_  
John Mac Hayes, OBA#15512  
1601 S. Victor Ave.  
Tulsa, OK 74104  
(405) 918 888 0630  
JohnMacHayesLaw@aol.com

Attorney for Appellant Eusebio Juarez-Rufino

PUBLIC

**Exhibit A**

---

Bryan Beauman  
Rebecca Price  
333 W. Vine Street, Suite 1500  
Lexington, Kentucky 40507  
Telephone: (859) 255-8581  
bbeauman@sturgillturner.com  
rprice@sturgillturner.com

HISA ENFORCEMENT COUNSEL

---

Michelle C. Pujals  
Allison J. Farrell  
4801 Main Street, Suite 350  
Kansas City, MO 64112  
Telephone: (816) 291-1864  
mpujals@hiwu.org  
afarrell@hiwu.org

HORSERACING INTEGRITY & WELFARE UNIT,  
A DIVISION OF DRUG FREE SPORT LLC

Public

BEFORE THE FEDERAL TRADE COMMISSION  
OFFICE OF ADMINISTRATIVE LAW JUDGES

FTC DOCKET NO. D-9444

ADMINISTRATIVE LAW JUDGE: HON. JAY L. HIMES

IN THE MATTER OF:  
EUSABIO JUAREZ-RUFINO APPELLANT

**PROPOSED ORDER**

Based on the foregoing findings of fact and conclusions of law, incorporated herein, the undersigned Administrative Law Judge (“ALJ”) ORDERS AND ADJUDGES that:

1. Appellant established a “compelling justification” for possessing the Diisopropylamine.
2. Appellant violated Rule 3214(a) for his possession of the Banned Substance.
3. Appellant’s degree of Fault was minimal, and he should receive a reduction of the default 24-month to One additional month of ineligibility.
4. The consequences imposed by the Arbitrator are reversed consistent with these findings.
5. The \$10,000 fine imposed by the Arbitrator is reversed.
6. The \$8,000 contribution towards HIWU’s share of the arbitration costs is reversed.