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decision below holds, this argument “borders on the frivolous” and is supported by ample administrative law decisions. *See Decision*, at p. 54-58 (collecting cases).

Here, the substantial and undisputed record shows that between January 1, 2023 and March 7, 2024 Dr. Galvin failed to provide the Authority with over 3,000 different records of his veterinarian treatment of Covered Horses, as required under Rule 2251. Those missing treatment records prevent regulatory veterinarians and the Authority from accessing critical horse health data. Dr. Galvin’s failure to provide these records is undisputed, in part because much of the evidence of these unreported examinations and treatments came from Dr. Galvin’s own records and, in part, because Galvin did not appear at the hearing and offered no evidence explaining his conduct.

For all the reasons set forth in the record, including the ALJ Decision, Dr. Galvin shows no special circumstance requiring review. Rule 2251(b) requires 11 separate data points (horse/responsible person/veterinarian name, HISA ID numbers, test results, diagnosis, condition treated, etc.); each missing piece of information is not a stand-alone charge. He surely does not want a separate process and hearing for each time he did not provide a medical record. That burden would overwhelm Covered Persons to defend thousands of contemporaneous cases and every hearing officer, reviewing Administrative Law Judge, and the Commission. No one is seriously advocating that approach.

Second, Dr. Galvin does not identify any jurisdictional defect and erroneously claims he raised one. At best, he repeats his argument that the proceeding against

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him was duplicitous as in his first allegation of error. The context here requires background. Upon initial review of the matter, the ALJ requested specific briefing from the parties about how matters are referred by the Authority's Racetrack Safety Committee and eventually come to a hearing before a member of the Internal Adjudication Panel. *See Order of Dec. 16, 2025.* The Authority responded in full. *See Authority's Statement on Jurisdiction of Dec. 23, 2025.* Dr. Galvin filed a response but it was not responsive. He did not address the jurisdiction of the IAP member but rather repeated his arguments about his belief that the notice to him was duplicitous. In short, he parroted an argument he previously made and did not address the one the ALJ requested. When the ALJ ruled that "Dr. Galvin's brief sidesteps the issue entirely,"¹ that was exactly right. Dr. Galvin conflates that error again here. He now claims to have raised a jurisdictional issue – he didn't – and seeks the Commission to review an issue he never raised.

Third, Dr. Galvin argues his suspension and fine were arbitrary because he was the first person penalized under Rule 2251. But he does not get a reprieve because he was the first offender who failed to conform his conduct to the Rules and proceeded to a hearing. The undisputed evidence in the record shows Dr. Galvin was aware of numerous efforts by HISA to educate veterinarians on the importance and the particulars of reporting documents in the Portal.² Dr. Galvin received several personal communications,³ was warned on multiple occasions that the failure to

¹ Dr. Galvin's April 20, 2026 Application for Review, at p. 2.

² Appeal Book at 27 Stormer_150:9-20.

³ Appeal Book at 46 Royse_971:9-22, 973:22-974; Appeal Book 46_Gilman_996:4-17.

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report could result in sanctions,⁴ and even carried around in his notebook contact information for a HISA employee to assist him should he have any questions.⁵ He simply elected to ignore Rule 2251 – that is until April 2024 when he learned HIWU had requested treatment records from the trainers and owners of horses he cared for. Dr. Galvin then suddenly began entering scores of treatment records into the HISA Portal in bulk, and well after the fact.⁶

For all these reasons, and those set out in the thorough decision of the Administrative Law Judge, there has been no showing of any special circumstances warranting the Commission's review that there was any error in applying the racetrack safety rules or in the Judge's decision.

Respectfully submitted,

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⁴ February 23, 2026 Authority's proposed Findings of Fact 11-12.

⁵ *Id.*, at 10.

⁶ *Id.*, 31.

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WORD COUNT CERTIFICATE

This document complies with the word limit of 16 C.F.R. § 1.146(b)(2)(ii), this document contains 855 words as counted by Microsoft Word.

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CERTIFICATE OF SERVICE

I hereby certify that on April 30, 2026, pursuant to Federal Trade Commission Rules of Practice 4.2(c) and 4.4(b), I caused this response to the application for review 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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