

**PUBLIC**

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

**ADMINISTRATIVE LAW JUDGE:**

**HON. JAY L. HIMES**

**IN THE MATTER OF:**

**CRAIG A. LEWIS**

**APPELLANT**

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**THE AUTHORITY’S PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW,  
ORDER, AND SUPPORTING LEGAL BRIEF**

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Comes now the Horseracing Integrity and Safety Authority, Inc. (“**HISA**” or the “**Authority**”) pursuant to the Administrative Law Judge’s Order Setting Briefing Schedule, dated April 8, 2026, and submits the following Proposed Findings of Fact, Conclusions of Law, Order, and Supporting Legal Brief.

**PUBLIC****CERTIFICATE OF SERVICE**

Pursuant to Federal Trade Commission Rules of Practice 4.2(c) and 4.4(b), a copy of the Authority's Proposed Findings of Fact, Conclusions of Law, Order and Supporting Legal Brief is being served on May 4, 2026, via Administrative E-File System and by emailing a copy to the below listed. I further certify that no portion of the filing was drafted by generative artificial intelligence ("AI") and any language in the filing that was drafted by generative AI was checked for accuracy by human attorneys or paralegals using printed legal reporters or online legal databases.

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## PROPOSED FINDINGS OF FACT

### **I. Background to the Charge**

1. On August 31, 2025, Appellant was the Trainer of Record and Responsible Person for the Covered Horse, Kikuride.<sup>1</sup> On August 31, 2025, Kikuride ran in Race 11 at Del Mar Racetrack in Del Mar, California (“**Kikuride’s Race**”) and placed first.<sup>2</sup>

2. Following Kikuride’s Race, Sample Collection Personnel collected a blood Sample from Kikuride, designated as Sample #B101315752 (“**Kikuride’s Sample**”).<sup>3</sup>

3. Kikuride’s Sample was submitted to the Kenneth L. Maddy Equine Analytical Chemistry Laboratory (“**UC Davis**”) in Davis, California for analysis.<sup>4</sup>

4. UC Davis analyzed and detected Methocarbamol, a Controlled Medication Substance, in Kikuride’s Sample and issued a Certificate of Analysis on September 19, 2025 for the Adverse Analytical Finding (“**AAF**”).<sup>5</sup>

5. On September 24, 2025, based upon UC Davis’ finding, the Horseracing Integrity & Welfare Unit (“**HIWU**” or the “**Agency**”) served Appellant with a Notice of an Alleged Equine Controlled Medication Violation (“**ECM Notice**”).<sup>6</sup> The ECM Notice contained both an invitation to provide an explanation regarding the AAF and to request analysis of Kikuride’s B Sample.<sup>7</sup>

6. On September 25, 2025, Appellant, through counsel, Mr. Lawrence Lewis, phoned the Agency and stated that Kikuride’s Veterinarian, Dr. John Araujo, administered Methocarbamol

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<sup>1</sup> HISA’s Appeal Book (“AB”), p. 139 (Tab 11, Equibase Chart).

<sup>2</sup> AB, p. 139.

<sup>3</sup> AB, p. 150 (Tab 11, Sample Collection Form).

<sup>4</sup> AB, p. 171 (Tab 11, UC Davis’ A Sample Laboratory Documentation Package).

<sup>5</sup> AB, p. 142 (Tab 11, UC Davis’ Certificate of Analysis).

<sup>6</sup> AB, pp. 144-153 (Tab 11, ECM Notice).

<sup>7</sup> AB, pp. 146-147, §§ IV-V.

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to Kikuride 48 hours Pre-Race and therefore Appellant was not responsible for the administration.<sup>8</sup>

On the same date, Mr. Lewis requested analysis of Kikuride's B Sample.<sup>9</sup>

7. On September 29, 2025, Mr. Lewis emailed the Agency and again stated that Dr. Araujo administered an injection of Methocarbamol to Kikuride 48 hours in advance of Kikuride's Race.<sup>10</sup> He further stated this was the common practice of Dr. Araujo and outlined the dates of four Pre-Race administrations of Methocarbamol to Kikuride that pre-dated the August 31, 2025 Race.<sup>11</sup>

8. The Agency responded to Mr. Lewis' email on September 30, 2025,<sup>12</sup> and provided a copy of Kikuride's HISA Medical Records, which showed an administration of 20 mg of Methocarbamol to Kikuride on August 29, 2025.<sup>13</sup> Also included in the email was a HISA document that explained the distinction between Detection Times and Withdrawal Guidance.<sup>14</sup> The Agency additionally outlined the ADMC Rule which explained that Responsible Persons bear strict liability for violations of the Protocol by Veterinarians and further included a link to the relevant Rule Series.<sup>15</sup>

9. Kikuride's B Sample was then analyzed by the Equine Integrity and Anti-Doping Sciences Laboratory ("EQIAS") in Lexington, Kentucky. On October 28, 2025, EQIAS confirmed that Kikuride's B Sample contained Methocarbamol.<sup>16</sup>

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<sup>8</sup> AB, p. 161, § I, para. 1 (Tab 11, ECM Charge).

<sup>9</sup> AB, p. 160, para. 1.

<sup>10</sup> HISA's Second Supplemental Appeal Book ("SAB2"), pp. 354-361 (Tab 17, 9.29.25 Email Exchange).

<sup>11</sup> SAB2, p. 355.

<sup>12</sup> SAB2, p. 354.

<sup>13</sup> SAB2, p. 357.

<sup>14</sup> SAB2, p. 358.

<sup>15</sup> SAB2, p. 354; ADMC Program Rule 3040(b)(6).

<sup>16</sup> AB, p. 166 (Tab 11, EQIAS Certificate of Analysis).

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10. On November 3, 2025, the Agency served Appellant with a Charge of Equine Controlled Medication Rule Violation (“**ECM Charge**”)<sup>17</sup> pursuant to ADMC Program Rule 3312.

## **II. Procedural History**

11. On November 6, 2025, Appellant requested a hearing before the Internal Adjudication Panel (“**IAP**”).<sup>18</sup>

12. An initial pre-hearing scheduling conference was held on November 20, 2025, and the following persons were present: IAP Member Juliet Kagno; Appellant’s counsel, Mr. Lawrence Lewis; and HIWU’s Litigation Counsel, Christy Heath.<sup>19</sup> A written submission schedule was agreed to, and later submitted on the agreed upon dates, by the parties;<sup>20</sup> the parties further agreed to set a hearing date after Appellant could consult with his prospective witnesses.<sup>21</sup>

13. An IAP hearing date was subsequently set for February 17, 2026.<sup>22</sup>

14. On November 24, 2025, Appellant submitted a Motion to Obtain DNA Analysis.<sup>23</sup> In that motion, Appellant primarily argued that: (1) Appellant could not be responsible for the Controlled Medication Rule Violation, as he did not physically administer Methocarbamol to Kikuride;<sup>24</sup> and (2) Kikuride had been on the same dosing amount and schedule of Methocarbamol for all five of her Covered Horseraces and only had one AAF.<sup>25</sup> Thus, Appellant argued DNA analysis was necessary to determine whether “a mix up of some sort” occurred.<sup>26</sup> Appellant also alleged, albeit incorrectly, that “HIWU, which administers the ADMC program for HISA,

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<sup>17</sup> AB, pp. 160-165.

<sup>18</sup> SAB2, p. 363 (Tab 18, 11.6.25 Email Exchange).

<sup>19</sup> AB, p.8 (Tab 2, Video of IAP Scheduling Conference).

<sup>20</sup> AB, pp.66-118 (Tabs 7-9, Appellant’s Pre-Hearing Submission with Exhibits); AB, pp. 120-228 (Tabs 10-11, HIWU’s Pre-Hearing Submission with Exhibits).

<sup>21</sup> AB, p.8.

<sup>22</sup> SAB2, p. 382 (Tab 19, 2.12.26 Email Exchange).

<sup>23</sup> AB, pp. 10-43 (Tab 3, Motion to Obtain DNA).

<sup>24</sup> AB, pp. 12, 14.

<sup>25</sup> AB, pp. 12-13, 42.

<sup>26</sup> AB, p. 42.

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incorporates DNA testing in its rules by provided Covered Persons . . . with the ability to request DNA testing to verify the identity of sample with adverse analytical findings” and stated the proposed modifications to the ADMC Program Rules were currently before the FTC and “confirm[ed] the right of a Covered Person to request DNA testing for samples reported as Adverse Analytical Findings.”<sup>27</sup>

15. The Agency responded on December 3, 2025, and explained that Kikuride received a dose *above* that used to determine the Detection Time for Methocarbamol (15 mg/kg 48 hours Pre-Race), so the risk of an AAF was apparent from the onset.<sup>28</sup> The Agency also explained that no right to DNA Testing currently existed in ADMC Program Rules and proposed modifications to the Rules were not before the FTC for review but instead were only posted publicly for informal public comment by the Authority.<sup>29</sup>

16. Upon receiving the Agency’s Response, on December 3, 2025, Appellant requested via email that the IAP afford him an opportunity to submit a reply.<sup>30</sup> The same day and via email, the Agency objected to Appellant’s request.<sup>31</sup>

17. On December 5, 2025, IAP Member Kagno denied Appellant’s request to reply and further denied his Motion to Obtain DNA Analysis.<sup>32</sup>

18. Shortly after receiving IAP Member Kagno’s ruling and on the same day, December 5, 2025, Mr. Lewis submitted a Motion for Reconsideration, which was dated December 9, 2025.<sup>33</sup>

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<sup>27</sup> AB, pp. 14-15.

<sup>28</sup> AB, p. 49, para. 10 (Tab 4, HIWU Response to Motion to Obtain DNA).

<sup>29</sup> AB, p. 49, fn. 4.

<sup>30</sup> SAB2, p. 387 (Tab 20, 12.3.25 Email Exchange).

<sup>31</sup> SAB2, pp. 386-387.

<sup>32</sup> SAB2, p. 386.

<sup>33</sup> SAB2, p. 389 (Tab 21, 12.5.25 Email Request for Reconsideration).

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19. On December 7, 2025, Mr. Lewis further supplemented that motion with an email which misstated an argument made by the Agency in its Response to his Motion to Obtain DNA Analysis.<sup>34</sup>

20. On December 8, 2024, the Agency responded via email, correcting Mr. Lewis' assertion and clarifying the matter by quoting directly from the Agency's Response.<sup>35</sup>

21. On February 3, 2026, Appellant submitted a Renewed Motion for Reconsideration of his previous request to obtain DNA analysis and a Request for a Stay.<sup>36</sup>

22. On February 4, 2026, the Agency moved to strike Appellant's renewed motion and asked that the IAP deny his Request for a Stay.<sup>37</sup>

23. On February 12, 2026, IAP Member Kagno denied Appellant's Renewed Motion for Reconsideration and further denied his Request for a Stay.<sup>38</sup>

### **III. IAP Merits Hearing**

24. On February 17, 2026, the IAP hearing was held virtually via Zoom before IAP Member Kagno.<sup>39</sup>

25. Appellant testified on his own behalf and called no other witnesses. Appellant's testimony was generally consistent with earlier representations he made to the Agency.<sup>40</sup>

26. During cross examination, Appellant agreed that the information contained on Kikuride's August 31, 2025 Sample Collection Form<sup>41</sup>—date of the race; color and sex of the

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<sup>34</sup> SAB2, pp. 391-392 (Tab 22, 12.7.25 Email Exchange).

<sup>35</sup> SAB2, p. 391.

<sup>36</sup> AB, pp. 230-240 (Tab 12, Motion for Reconsideration and Request for Stay).

<sup>37</sup> AB, p. 242 (Tab 13, Motion to Strike).

<sup>38</sup> SAB2, p. 382 (Tab 19, 2.12.26 Email Exchange).

<sup>39</sup> AB, p. 244 (Tab 14, Video Recording of 2.17.26 Hearing).

<sup>40</sup> AB, p. 244; AB2, pp. 253-352 (Tab 16, Transcript).

<sup>41</sup> AB, p. 150 (Tab 11, Sample Collection Form).

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horse; Lasix administration; time of notification and arrival to the Test Barn; reason for the test; name of the Nominated Person; and microchip status—was correct.<sup>42</sup>

27. Appellant further agreed that proposed modifications to the ADMC Program Rules had not been submitted to the FTC for approval.<sup>43</sup>

28. Appellant refused to acknowledge that, under ADMC Program Rules, Trainers, as Responsible Persons, are liable for the presence of Controlled Medications in their Covered Horses' Post-Race Samples.<sup>44</sup> When confronted with the requirement that Responsible Persons be knowledgeable of the ADMC Program Rules upon registering with HISA, Appellant was nonresponsive and repeatedly replied “I understand there’s a defense to strict liability.”<sup>45</sup>

29. Appellant agreed that Trainers bear strict liability for violations caused by their Veterinarians, in accordance with ADMC Program Rule 3040(b).<sup>46</sup>

30. Appellant acknowledged he did not understand the difference between Detection Time and Withdrawal Time.<sup>47</sup> Nevertheless, Appellant maintained that 48 hours was an “appropriate” administration time frame for Methocarbamol.<sup>48</sup>

31. When asked whether Appellant understood that 48 hours does not include a margin of safety, Appellant responded “48 hours has always worked for thousands of horses over 40 plus years.”<sup>49</sup>

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<sup>42</sup> HISA's Supplement Appeal Book (“SAB”), p. 315, lines 7-13 (Tab 16, Transcript) (Kagno and C. Lewis).

<sup>43</sup> SAB, p. 316, lines 6-11 (Heath and C. Lewis).

<sup>44</sup> SAB, pp. 317-323, lines 18-6 (Heath, C. Lewis, and L. Lewis).

<sup>45</sup> SAB, pp. 318-323, lines 18-6 (Heath, C. Lewis, and L. Lewis).

<sup>46</sup> SAB, p. 323, lines 9-16 (Heath and C. Lewis).

<sup>47</sup> SAB, p. 325, lines 9-15 (Heath and C. Lewis).

<sup>48</sup> SAB, p. 324, lines 11-18 (Heath and C. Lewis).

<sup>49</sup> SAB, p. 327, lines 6-14 (Heath and C. Lewis).

#### IV. IAP Final Decision and Subsequent Procedural History

32. IAP Member Kagno issued her Final Decision, dated March 1, 2026, and determined the Agency had established that Appellant was responsible for violating ADMC Program Rule 3312. Specifically, the IAP found the Agency established Kikuride's A Sample contained Methocarbamol, as reported by UC Davis, and subsequently EQIAS confirmed Kikuride's B Sample contained Methocarbamol.

33. While the IAP found Appellant established his Veterinarian administered Methocarbamol to Kikuride 48 hours ahead of Kikuride's Race on August 31, 2025, the IAP determined Appellant had not established that he bore No Fault.<sup>50</sup>

34. As a result, IAP Member Kagno ordered the following Consequences:<sup>51</sup> (1) a fine of \$500;<sup>52</sup> (2) Disqualification of Kikuride's Race results obtained in Race 11 at Del Mar Racetrack in Del Mar, California, on August 31, 2025, and forfeiture of all purses and other compensation, prizes, trophies, points, and rankings, and repayment or surrender (as applicable) to the Race Organizer;<sup>53</sup> (3) assignment of 1.5 penalty points;<sup>54</sup> and (4) Public Disclosure.<sup>55</sup>

35. On March 4, 2026, the Agency issued a Notice of Final Sanctions Under the ADMC Program to Appellant.<sup>56</sup> Also on March 4, 2026, the Authority issued a Civil Sanctions Notice to Appellant, which was also filed with the Secretary of the Federal Trade Commission.<sup>57</sup>

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<sup>50</sup> AB, pp. 246-251 (Tab 15, Final Ruling of the IAP).

<sup>51</sup> AB, p. 251.

<sup>52</sup> ADMC Program Rule 3323(b).

<sup>53</sup> ADMC Program Rule 3321(a)(1).

<sup>54</sup> ADMC Program Rule 3328(b).

<sup>55</sup> ADMC Program Rules 3331 and 3620.

<sup>56</sup> SAB2, pp. 394-395 (Tab 23, Notice of Final Sanction).

<sup>57</sup> SAB2, pp. 404-405 (Tab 24, Civil Sanction Notice).

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36. On March 9, 2026, Appellant filed an Application for Review of Final Civil Sanctions and a Motion for Stay of Enforcement of the Consequences borne out of the Final Decision.<sup>58</sup> Appellant also filed an Application for Stay.<sup>59</sup> The Agency filed its response to Appellant's Application for Stay on March 16, 2026.<sup>60</sup>

37. On April 8, 2026, Administrative Law Judge ("ALJ") Himes issued an Order on Appellant's Application for Review and on Application for Stay of Enforcement. The Order limits the appeal to briefing by the parties and denied Appellant's request for a Stay of Enforcement.<sup>61</sup>

### **PROPOSED CONCLUSIONS OF LAW**

1. Methocarbamol is a Prohibited Substance, which is a Class C Controlled Medication Substance, pursuant to Appendix 1 to Rule Series 4000: Technical Document—Prohibited Substance. Methocarbamol contains a Screening Limit of "1 ng/mL in serum or plasma."

2. The Presence of Methocarbamol in Kikuride's Sample was a violation of Rule 3312.

3. Appellant had the burden to establish he was entitled to a finding of No Fault or Negligence in connection with his Rule 3312 violation.

4. Appellant failed to establish that he bore No Fault or Negligence.

5. Appellant failed to establish that he was entitled to a reduction in Consequences.

6. The IAP Member's assessment of Fault was correct and the Consequences she imposed should be affirmed.

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<sup>58</sup> See Appellant's [Notice of Appeal and Application for Review of Civil Sanction](#).

<sup>59</sup> See Appellant's [Application for Stay](#).

<sup>60</sup> See [Authority's Response to Appellant's Application for Stay](#).

<sup>61</sup> See ALJ's [Order on Application for Review and Stay](#).

**PUBLIC****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:

- a. Appellant violated Rule 3312 for the Presence of a Class C Controlled Medication in his Covered Horse’s Post-Race Sample.
- b. Appellant failed to establish that he bore No Fault or Negligence for the Presence of a Class C Controlled Medication in his Covered Horse’s Post-Race Sample.
- c. Appellant should not receive a reduction of the default Consequences.
- d. The automatic Disqualification of Kikuride’s Race Results obtained in Race 11 at Del Mar Racetrack in Del Mar, California on August 31, 2025, and forfeiture of all purses and other compensation, prizes, trophies, points, and rankings, and repayment or surrender (as applicable) to the Race Organizer imposed by the IAP Member is affirmed.
- e. The \$500 fine imposed by the IAP Member is affirmed.
- f. The automatic assignment of 1.5 penalty points imposed by the IAP Member is affirmed.

**SUPPORTING LEGAL BRIEF****I. Introduction**

This proceeding concerns a review initiated by Appellant challenging the IAP’s Final Decision and the resulting sanctions. Specifically, Appellant seeks to have the ALJ review the weight given to the evidence by the IAP, as well as the appropriateness of the Consequences. On March 1, 2026, the IAP issued a Final Decision which concluded Appellant violated ADMC

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Program Rule 3312.<sup>62</sup> Pursuant to that ruling, the IAP Member determined the Agency had established that Kikuride's A Sample was reported as an AAF by UC Davis for the Presence of Methocarbamol, and that, subsequently, the presence of Methocarbamol was confirmed in Kikuride's B Sample by EQIAS.<sup>63</sup>

While the IAP found Appellant had established that his Veterinarian, Dr. John Araujo, administered Methocarbamol to Kikuride 48 hours in advance of Kikuride's Race on August 31, 2025, the IAP did not find that Appellant had established he bore No Fault or Negligence for the administration.<sup>64</sup> Thus, the IAP imposed the resulting Consequences: (1) a fine of \$500; (2) Disqualification of Kikuride's Race Results obtained in Race 11 at Del Mar Racetrack in Del Mar, California, on August 31, 2025; (3) assignment of 1.5 penalty points; and (4) Public Disclosure.<sup>65</sup>

On March 9, 2026, Appellant filed an Application for Review of the Final Decision and an Application to Stay Enforcement of the Consequences imposed under the IAP's Final Decision.<sup>66</sup> On April 8, 2026, Appellant's request for an evidentiary hearing and application for Stay were denied.<sup>67</sup> Thus, this review proceeds based upon the existing factual record and only concerns whether Appellant can establish that he was improperly found to have breached Rule 3312 or that the Consequences imposed on him are arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

Based upon the existing factual record, it is evident that Appellant violated ADMC Program Rule 3312. Appellant has not submitted any evidence to reduce his degree of Fault, let alone any evidence establishing that the Final Decision of the IAP was arbitrary, capricious, an

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<sup>62</sup> Proposed Findings of Fact ("PFF") #32.

<sup>63</sup> PFF #32.

<sup>64</sup> PFF #33.

<sup>65</sup> PFF #34.

<sup>66</sup> PFF #36.

<sup>67</sup> PFF #37.

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abuse of discretion, prejudicial, or otherwise not in accordance with the law. Further, the Consequences were imposed in accordance with ADMC Program Rules 3321-3323 and 3328 and are rationally connected to the relevant evidence. Therefore, the Final Decision should be affirmed.

## **II. Procedural and Factual History**

On August 31, 2025, Kikuride participated in Race 11 at Del Mar Racetrack in Del Mar, California, and won.<sup>68</sup> Following the Race, Sample Collection Personnel collected a blood Sample, designated #B101315752, from Kikuride.<sup>69</sup> Kikuride's A Sample was sent to UC Davis for analysis.<sup>70</sup> UC Davis analyzed the A Sample in accordance with the Equine Standards for Laboratories and Accreditation and detected Methocarbamol.<sup>71</sup> Methocarbamol is a Category S7, Class C Controlled Medication on the Prohibited List and Technical Document.<sup>72</sup> Thereafter, on September 24, 2025, Appellant was issued an ECM Notice.<sup>73</sup>

On September 25, 2025, Appellant, through counsel, Mr. Lawrence Lewis, phoned the Agency and stated that Kikuride's Veterinarian, Dr. John Araujo, administered Methocarbamol to Kikuride 48 hours Pre-Race and Appellant was not responsible for the administration.<sup>74</sup> Appellant also requested analysis of Kikuride's B Sample. On September 29, 2025, Mr. Lewis emailed the Agency and again stated that Dr. Araujo administered an injection of Methocarbamol to Kikuride 48 hours in advance of Kikuride's Race.<sup>75</sup> He further stated this was the common practice of Dr.

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<sup>68</sup> PFF #1.

<sup>69</sup> PFF #2.

<sup>70</sup> PFF #3.

<sup>71</sup> PFF #4.

<sup>72</sup> PFF #4.

<sup>73</sup> PFF #5.

<sup>74</sup> PFF #6.

<sup>75</sup> PFF ##6-7.

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Araujo and outlined the dates of four Pre-Race administrations of Methocarbamol to Kikuride which pre-dated Kikuride's August 31, 2025 Race.<sup>76</sup>

The Agency responded to Mr. Lewis' email on September 30, 2025, and provided a copy of Kikuride's HISA Medical Records, which showed an administration of 20 mg of Methocarbamol to Kikuride on August 29, 2025.<sup>77</sup> Also included in the email was a HISA document that explained the distinction between Detection Times and Withdrawal Guidance.<sup>78</sup> The Agency additionally outlined the ADMC Rule which explained that Responsible Persons bear strict liability for violations of the Protocol by Veterinarians and further included a link to the relevant Rule Series.<sup>79</sup>

Kikuride's B Sample was shipped to EQIAS to determine whether the presence of Methocarbamol could be confirmed, as required under ADMC Program Rule 6312(g).<sup>80</sup> In accordance with the Equine Standards for Laboratories and Accreditation, EQIAS confirmed the presence of Methocarbamol in Kikuride's B Sample.<sup>81</sup> On November 3, 2025, the Agency served Appellant with an ECM Charge letter for the presence of Methocarbamol in Kikuride's Post-Race blood Sample.<sup>82</sup> In the Charge Letter, Appellant was given an option to admit the ECM Rule Violation or to request a hearing before the IAP.<sup>83</sup> Following Appellant's request for a hearing,<sup>84</sup> HIWU initiated proceedings with the IAP pursuant to ADMC Rule 7020(b).

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<sup>76</sup> PFF #7.

<sup>77</sup> PFF #8.

<sup>78</sup> PFF #8.

<sup>79</sup> PFF #8.

<sup>80</sup> PFF #9.

<sup>81</sup> PFF #9.

<sup>82</sup> PFF #10.

<sup>83</sup> PFF #10.

<sup>84</sup> PFF #11.

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Ms. Juliet Kagno was appointed as the IAP member to preside over the hearing. No objection to Ms. Kagno's appointment as the IAP member was made by Appellant at the time of her appointment or anytime thereafter.<sup>85</sup> A pre-hearing Scheduling Conference was held on November 20, 2025, and a written submission schedule was agreed upon by the parties.<sup>86</sup> A hearing date was postponed until Appellant could consult with his prospective witnesses; the parties later agreed to a hearing date of February 17, 2026.<sup>87</sup>

On November 25, 2025, Appellant filed a Motion for DNA Analysis.<sup>88</sup> In that motion, Appellant primarily argued that, because Kikuride had been on the same dosing schedule of Methocarbamol (20 mg/kg 48 hours Pre-Race) for all five of her published races,<sup>89</sup> DNA analysis was necessary to determine whether "a mix up of some sort" occurred.<sup>90</sup> Appellant also alleged, albeit incorrectly, that "HIWU, which administers the ADMC program for HISA, incorporates DNA testing in its rules by provided Covered Persons . . . with the ability to request DNA testing to verify the identity of sample with adverse analytical findings" and stated the proposed modifications to the ADMC Program Rules were currently before the FTC and "confirm[ed] the right of a Covered Person to request DNA testing for samples reported as Adverse Analytical Findings."<sup>91</sup>

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<sup>85</sup> ADMC Program Rule 7090(b) holds: "A party must object to the jurisdiction of the . . . IAP member(s) or to the arbitrability of a charge by the Agency no later than the filing of the answering statement to the charge that gives rise to the objection. The . . . IAP member(s) may rule on such objections as a preliminary matter or as part of the final decision, in his or her sole discretion." Appellant never objected to the appointment of IAP Member Kagno; however, during his counsel's closing argument, Mr. Lewis stated, "I don't want to get personal here, but we need maybe a judge that can draw a distinction with the law, because I don't know that even I, who understands there's a difference between strict liability and absolute liability...and it's my understanding, Your Honor, that you do not have a degree in law." AB2, p. 347, lines 6-12 (Lewis).

<sup>86</sup> PFF #12.

<sup>87</sup> PFF ##12-13.

<sup>88</sup> PFF #14.

<sup>89</sup> PFF #14.

<sup>90</sup> PFF #14.

<sup>91</sup> PFF #14.

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The Agency responded on December 3, 2025,<sup>92</sup> and explained that Kikuride received a dose *above* that used to determine the Detection Time for Methocarbamol (15 mg/kg 48 hours Pre-Race), so the risk of an AAF was apparent from the onset.<sup>93</sup> The Agency also explained that no right to DNA Testing currently existed in ADMC Program Rules and proposed modifications to the Rules were not before the FTC for review but instead were only posted publicly for informal public comment.<sup>94</sup>

Upon receiving the Agency's Response, on December 3, 2025, Appellant requested via email that the IAP afford him an opportunity to submit a reply, to which the Agency lodged an objection.<sup>95</sup> On December 5, 2025, IAP Member Kagno denied Appellant's request to reply and further denied his Motion to Obtain DNA Analysis.<sup>96</sup>

After receiving the IAP Member's ruling, Appellant submitted three more requests for reconsideration between December 5, 2025 and February 3, 2026 based upon the same facts and arguments outlined in his original Motion for DNA Analysis. On February 3, 2026, Appellant additionally requested that the IAP Stay his case.<sup>97</sup> The Agency maintained its original objection and, on February 4, 2026, moved to Strike Appellant's Motions for Reconsideration and Stay.<sup>98</sup> On February 12, 2026, the IAP denied Appellant's renewed request for DNA analysis and further denied his request for a Stay.<sup>99</sup>

The evidentiary hearing was held on February 17, 2026, as scheduled.<sup>100</sup> Present at the evidentiary hearing were: (1) Christy Heath, Litigation Counsel for the Agency; (2) Mr. Lawrence

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<sup>92</sup> PFF #15.

<sup>93</sup> PFF #15.

<sup>94</sup> PFF #15.

<sup>95</sup> PFF #16.

<sup>96</sup> PFF #17.

<sup>97</sup> PFF ##18-21.

<sup>98</sup> PFF #22.

<sup>99</sup> PFF #23.

<sup>100</sup> PFF #24.

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Lewis, counsel for Appellant; (3) Appellant; and (4) Ms. Kagno, the IAP Member. Appellant testified at the evidentiary hearing, which was concluded in one day. No other witnesses were called or testified.<sup>101</sup> When asked by the IAP whether the information contained on Kikuride's August 31, 2025 Sample Collection Form was correct, Appellant agreed that it was.<sup>102</sup> Appellant further acknowledged that proposed modifications to the ADMC Program Rules had not been submitted to the FTC for approval.<sup>103</sup>

Appellant refused to acknowledge that, under ADMC Program Rules, Trainers, as Responsible Persons, are liable for the presence of Controlled Medications in their Covered Horses' Post-Race Samples,<sup>104</sup> but ultimately agreed that Trainers bear strict liability for violations caused by their Veterinarians, in accordance with ADMC Program Rule 3040(b).<sup>105</sup> Appellant testified that he did not understand the difference between Detection Time and Withdrawal Time, yet nevertheless maintained that 48 hours was an "appropriate" administration time frame for Methocarbamol,<sup>106</sup> even when confronted by the fact that a Pre-Race administration of Methocarbamol did not account for a margin of safety, as intended under the Rules.<sup>107</sup>

The IAP issued the Final Decision on March 1, 2026.<sup>108</sup> On March 4, 2026, the Agency issued a Notice of Final Sanctions Under the ADMC Program to Appellant.<sup>109</sup> Also, on March 4, 2024, the Authority issued a Civil Sanctions Notice to Appellant, which was also filed with the Secretary of the Federal Trade Commission.<sup>110</sup> On March 9, 2026, Appellant filed an Application

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<sup>101</sup> PFF ##24-25.

<sup>102</sup> PFF #26.

<sup>103</sup> PFF #27.

<sup>104</sup> PFF #28.

<sup>105</sup> PFF #29.

<sup>106</sup> PFF #30.

<sup>107</sup> PFF #31.

<sup>108</sup> PFF ##32-34.

<sup>109</sup> PFF #35.

<sup>110</sup> PFF #35.

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for Review of Final Civil Sanctions and a Motion for Stay of Enforcement of the Consequences set forth in the Final Decision.<sup>111</sup> The Agency filed its response to Appellant's Application for Stay on March 16, 2026.<sup>112</sup>

On April 8, 2026, ALJ Himes issued an Order on Appellant's Application for Review and on Application for Stay of Enforcement.<sup>113</sup> The Order limits the appeal to briefing by the parties and rejected Appellant's request for a Stay of Enforcement.

### **III. Applicable ADMC Program Rules and Jurisprudence**

The Authority was created pursuant to the federal Horseracing Integrity and Safety Act of 2020, as amended (the "**Act**"),<sup>114</sup> to implement a national, uniform set of integrity and safety rules that are applied consistently to every Thoroughbred racing participant and racetrack facility in the United States.<sup>115</sup> Appellant trains horses defined as Covered Horses that participate in Covered Horseraces. As such, he is both a Responsible Person and a Covered Person who is bound by and subject to ADMC Program Rules. It is not disputed that Kikuride is a Covered Horse. Appellant was required to register, and did register, with HISA as a Covered Person, in accordance with ADMC Program Rule 9000. Under that rule, Appellant "agree[d] to be subject to and comply with the rules, standards, and procedures of the Authority developed and approved under 15 U.S.C. 3054(c)."

Under Rule 3070(b), the ADMC Program "shall be interpreted as an independent and autonomous text and not by reference to existing law or statutes." However, under Rule 3070(d), the World Anti-Doping Code (the "**WADA Code**")<sup>116</sup>, the comments annotating provisions of the

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<sup>111</sup> PFF #36.

<sup>112</sup> PFF #36.

<sup>113</sup> PFF #37.

<sup>114</sup> 15 U.S.C. 3051–3060.

<sup>115</sup> ADMC Program Rule 3010(a).

<sup>116</sup> HISA's Supplemental Book of Authorities ("BOA2"), pp. 4-187 (Tab 1, World Anti-Doping Code)

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WADA Code, and any case law interpreting the WADA Code may be considered. The WADA Code contains very similar provisions to the ADMC Program with respect to Administration, No Fault, and No Significant Fault. Jurisprudence interpreting those provisions is therefore useful. As noted in the Preamble to the ADMC Program, international doping standards “provide a robust anti-doping framework that has been tested before arbitration tribunals for many years” and which “has generated a well-developed body of precedent and guidance for interpreting the provisions.”<sup>117</sup>

The Final Decision below concerned a Controlled Medication Substance Violation for the Presence of a Controlled Medication Substance in breach of Rule 3312.<sup>118</sup> Rule 3312 imposes strict liability on the Responsible Person for which the Agency does not need to prove “intent, Fault, negligence, or knowing Use on the part of the Responsible Person.” Appellant’s Application for Review is based upon his argument that the IAP wrongly decided his level of Fault based on the weight of the evidence in the record.

The appropriate sanctions for a first offense Rule 3312 Violation involving Methocarbamol, a Category S7, Class C Controlled Medication Substance, are: (1) a fine of up to \$500; (3) assignment of 1.5 penalty points;<sup>119</sup> (4) Disqualification of Kikuride’s results obtained in Race 11 at Del Mar Racetrack in Del Mar, California on August 31, 2025, and forfeiture of all purses, prizes, trophies, points, rankings, and repayment or surrender (as applicable) to the Race Organizer; and (5) Public Disclosure.

When a Rule 3312 Violation is established for a Class C Controlled Medication Substance, a Covered Person *may* be entitled to the potential reduction of the Consequences where he is able

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<sup>117</sup> 88 Fed. Reg. Vol. No. 17, 5073.

<sup>118</sup> PFF ##32-34.

<sup>119</sup> Under Rule 3328, the assignment of penalty points is automatic.

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to establish by a balance of the probabilities that he acted with No Fault or Negligence (Rule 3324).<sup>120</sup> In order to establish either No Fault or Negligence, the Covered Person must establish the source of the Controlled Medication Substance.<sup>121</sup> The ADMC Program provides that assessment of Fault is a specific and focused exercise which is concerned only with the Covered Person's actions leading up to the Violation.<sup>122</sup> A Covered Person has the evidentiary burden to "adduce specific and competent evidence that is sufficient to persuade the Tribunal that the explanation advanced is more likely than not to be correct."<sup>123</sup> A determination of No Fault is rare and, as expressly stated in Rule 3324, only available in "exceptional circumstances."

#### **IV. The Final Decision**

The IAP Member found that Appellant had committed a Presence violation under ADMC Program Rule 3312.<sup>124</sup> Appellant argued that because (1) his Veterinarian administered the Methocarbamol to Kikuride—and not Appellant, that Appellant was not at fault, and (2) the administration occurred based on a dosing amount and schedule regularly used by Appellant's Veterinarian, he could not have reasonably suspected Kikuride's Sample would result in an AAF.<sup>125</sup>

The Agency argued that ADMC Program Rule 3040(b)(6), which states Responsible Persons "bear strict liability for any violations of the Protocol by such Covered Persons (including Veterinarians) . . . involved in the care, treatment, training, or racing of his [ ] Covered Horses,"<sup>126</sup>

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<sup>120</sup> No Significant Fault or Negligence (Rule 3325) *only* applies to Rule Violations involving Class A and B Controlled Medications; thus, it does not apply here.

<sup>121</sup> ADMC Program Rules 3324 and 3325.

<sup>122</sup> This is established in the definition of Fault provided in Rule 1020.

<sup>123</sup> BOA2, pp. 193-194 (Tab 2, [FEI v Aleksandr Kovshov](#), FEI Tribunal Decision, Nov. 27, 2012, at para. 18); *see also* BOA2, p. 218 (Tab 3, [Khaled Abdullaziz Al Eid & Abdullah Waleed Sharbatly v. FEI](#), CAS 2012/A/2807 & 2808, May 23, 2012, at para. 10.8).

<sup>124</sup> PFF ##32-34.

<sup>125</sup> PFF #14.

<sup>126</sup> PFF #29.

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and ADMC Program Rule 3324, holding No Fault or Negligence “only applies in exceptional circumstances.”<sup>127</sup> In particular, it will not apply “where the Controlled Medication Substance found to be present in a Sample . . . was administered to the Covered Horse by veterinary or other support personnel without the knowledge of the Responsible Person,” which precluded any relief under the circumstances.<sup>128</sup> Moreover, the Agency held the risk of an AAF was apparent from the onset, given the amount and timing of the Methocarbamol administration to Kikuride ahead of her August 31, 2025 Race.<sup>129</sup>

The IAP Member summarized the testimony and evidence presented in the Final Decision:

- 1) Methocarbamol is a Class C Controlled Medication Substance.
- 2) Appellant was the Responsible Person for Kikuride on August 31, 2025 and during Race 11 at Del Mar Racetrack in Del Mar, California.
- 3) Sample Collection Personnel at Del Mar Racetrack collected a Post-Race blood Sample designated #B101315758 from Kikuride after her first place finish on August 31, 2025.
- 4) UC Davis reported Kikuride’s A Sample as an AAF for the presence of Methocarbamol.
- 5) EQIAS confirmed Kikuride’s B Sample contained the presence of Methocarbamol.
- 6) Appellant established that his Veterinarian administered Methocarbamol to Kikuride 48 hours prior to Kikuride’s Race.
- 7) Appellant had not established that he was entitled to a finding of No Fault or Negligence or No Significant Fault or Negligence.<sup>130</sup>

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<sup>127</sup> PFF #12 (AB, p. 134, para. 9 (Tab 10, HIWU’s Pre-Hearing Submission with Exhibits)).

<sup>128</sup> PFF #12 (AB, pp. 134, para. 9).

<sup>129</sup> AB, p. 49, para. 10 (Tab 4, HIWU Response).

<sup>130</sup> PFF ##32-34.

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The IAP Member found Appellant in violation of ADMC Program Rule 3312 based upon the evidence provided and testimony presented. In rendering the Final Decision, the IAP Member found that the Agency established “Covered Person (and Responsible Person) Trainer Craig Lewis [ ] violated ADMC Program Rule 3312: Presence of a Controlled Medication Substance, for the presence of Methocarbamol, a Class C, S7 Controlled Substance, in the Post-Race Sample of Kikuride.”<sup>131</sup>

## **V. Standard of Review**

Pursuant to 15 U.S.C. § 3058(b)(1), whether Appellant violated ADMC Program Rule 3312 is a determination made *de novo* by an ALJ of the Commission. Where no facts are sought to be supplemented or contested, such determination is made on the basis of the existing factual record. A HISA civil sanction is also subject to *de novo* review by an ALJ. However, the review is limited to a determination of whether “the final civil sanction of the Authority was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.”<sup>132</sup>

Despite the fact that the ALJ conducts an independent review of the record,<sup>133</sup> a decision or sanction will not be considered arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law where (i) the decision abides by the applicable rules,<sup>134</sup> and (ii) the sanction is rationally connected to the facts.<sup>135</sup> Similarly, to find an abuse of discretion, the record must reveal a clear error of judgment.<sup>136</sup> This standard of review has been confirmed in recent FTC appeals from HISA civil sanctions, *In Re Jeffrey Poole*<sup>137</sup> and *In Re Luis Jorge Perez*.<sup>138</sup>

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<sup>131</sup> PFF ##32-34.

<sup>132</sup> 15 U.S.C. § 3058(b)(2)(A)(iii).

<sup>133</sup> BOA2, p. 226 (Tab 4, [Agyeman v. INS](#), 296 F.3d 871, 876 (9th Cir. 2002)).

<sup>134</sup> BOA2, p. 249 (Tab 5, [Guier v. Teton County Hosp. Dist.](#), 2011 WY 31, 248 P.3d 623 (Wyo. 2011)).

<sup>135</sup> BOA2, pp. 270-271 (Tab 6, [Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co.](#), 463 U.S. 29 (1983)); BOA2, p. 290 (Tab 7, [Citizens to Preserve Overton Park, Inc. v. Volpe](#), 401 U.S. 402 (1971)).

<sup>136</sup> BOA2, pp. 307-308 (Tab 8, [Nat'l Wildlife Fed'n v. Nat'l Marine Fisheries Serv.](#), 422 F.3d 782, 798 (9th Cir. 2005)).

<sup>137</sup> [Docket No. 9417](#), November 13, 2023.

<sup>138</sup> [Docket No. 9420](#), August 8, 2024.

**PUBLIC****VI. Appellant is Not Entitled to a Finding of No Fault or Negligence**

Appellant has failed to establish that the Consequences imposed in the Final Decision are arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law. In order to benefit from reduced sanctions, Appellant must show that he bears No Fault or Negligence. Specifically, Appellant must establish:

that he [ ] did not know, or suspect, and could not reasonably have known or suspected, even with the exercise of utmost caution, that he or she had administered to the Covered Horse (or that the Covered Horse's system otherwise contained) . . . a Controlled Medication Substance, or that he or she had . . . otherwise committed a . . . Controlled Medication Rule Violation. For any violation of Rule 3212 or 3312, the Covered Person must also establish how the Prohibited Substance entered the Covered Horse's system in order to establish No Fault or Negligence.<sup>139</sup>

ADMC Rule 3324 further establishes that it only applies in “exceptional circumstances” and will **not** apply when the Controlled Medication Substance “was administered to the Covered Horse by veterinary or other personnel without the knowledge of the Responsible Person.”

The WADA Code contains a commentary that underlines the exceptional standard that must be met to accord with this threshold (emphasis added):

[A reduction of sanctions due to No Fault or Negligence] will only apply in exceptional circumstances, for example, where an Athlete could prove that, despite all due care, he or she was sabotaged by a competitor.<sup>140</sup>

Thus, the IAP reasonably concluded that Appellant failed to establish that he bears No Fault or Negligence. Because Appellant failed to establish that he was entitled to a reduction in Consequences, it was incumbent upon the IAP to impose civil sanctions. The Consequences are rationally connected to the evidence and in accordance with ADMC Program Rule 3323(b): (1) a

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<sup>139</sup> ADMC Program Rule 3324.

<sup>140</sup> BOA2, pp. 74-75, note 65 (Tab 1, [WADA Code](#)).

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fine of \$500; (3) assignment of 1.5 penalty points; (4) Disqualification of Kikuride's results obtained in Race 11 at Del Mar Racetrack in Del Mar, California on August 31, 2025, and forfeiture of all purses, prizes, trophies, points, ranking, and repayment or surrender (as applicable) to the Race Organizer; and (5) Public Disclosure.

**VII. Conclusion**

The Final Decision properly considered and applied the ADMC Program Rules in imposing liability for the Presence of a Category S7, Class C Controlled Medication Substance pursuant to ADMC Program Rule 3312(a) and civil sanctions in accordance with ADMC Program Rule 3323(b). The IAP's findings of liability and Consequences imposed are consistent with the statutory framework, rationally connected to the evidence, and were made with adequate consideration of the circumstances. The Final Decision should be affirmed, and the Consequences imposed upheld.

ALL OF WHICH IS RESPECTFULLY SUBMITTED THIS 4th day of May, 2026.

/s/Bryan H. Beauman

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