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**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES
FTC DOCKET NO. D-9451**

ADMINISTRATIVE LAW JUDGE:

DANIA L. AYOUBI

IN THE MATTER OF:

WILLIAM E. MARCH

APPELLANT

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

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 May 18, 2026, via Administrative E-File System and by emailing a copy to 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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The Horseracing Integrity and Safety Authority, Inc. (the “**Authority**”) files this Response to Appellant’s Application for Review of the Final Decision issued by the Horseracing Integrity & Welfare Unit (“**HIWU**”) under the Anti-Doping and Medication Control (“**ADMC**”) Program.

As an initial matter, Appellant’s argument concerning the filing of the imposed sanctions with the Federal Trade Commission (“**FTC**”) is misplaced. The Notice of Sanctions, dated March 4, 2026 (“**March 4 NOS**”),¹ is not the operative document here. Upon being notified by the Authority that the March 4 NOS had not been filed with the FTC, HIWU amended its Final Decision and served an Amended Notice of Sanctions on Appellant on March 9, 2026 (the “**Amended NOS**”).² That Amended NOS was filed with the FTC on March 9, 2026, and Appellant was notified of that filing on the same day.³ Similar Amended Notices of Sanctions have been filed with, and accepted by, the FTC since the inception of the ADMC Program. *See, e.g.,* Jacqueline Falk/Gold Templar, dated Dec. 23, 2023; Debbie Van Horne/You’re the Cause, dated Dec. 23, 2023. Therefore, the Amended NOS and the Consequences therein are enforceable against Appellant under 16 CFR §1.145(a).

As to the merits of the appeal, the Final Decision was not “arbitrary, capricious, an abuse of discretion, prejudicial, the result of a conflict of interest, or otherwise not in accordance with law.” 16 CFR §1.146(b)(3). Appellant is both a Responsible Person and a Covered Person who is bound by and subject to the ADMC Program Rules. *See* Rules 3020(a)(3) and 3030(a). Moreover, Appellant registered with the Authority as a Covered Person, pursuant to HISA Rule 9000 and, therefore, “agree[d] to be subject to and comply with the rules, standards, and

¹ HISA’s Appeal Book (“**AB**”), at Tab 14.

² **AB**, at Tab 18.

³ **AB**, at Tab 20.

PUBLIC

procedures of the Authority developed and approved under 15 U.S.C. 3054(c).” *See* HISA Rule 9000(g).

On February 4, 2026, Appellant was served an ECM Notice with respect to an Adverse Analytical Finding (“AAF”) for Phenylbutazone (a Class C Controlled Medication Substance) for his Covered Horse Protest after Race 7 at Tampa Bay Downs on January 14, 2026.⁴ Appellant’s wife (the Owner of Protest) sent a response signed by Appellant on February 9, 2026.⁵ Although that date was his deadline to request B Sample analysis, Appellant did not request such analysis and did not provide an explanation for the AAF that would excuse the violation. Instead, Appellant directly contacted the ADMC Program Laboratory that reported the AAF to request information.⁶

As a result of his failure to request B Sample analysis by the deadline, Appellant waived such analysis. *See* Rule 3345(a)(4)(ii). Consequently, HIWU served an ECM Charge⁷ on Appellant on February 13, 2026, which, as set forth in Rule 3348, gave Appellant 7 days to request a hearing before the Internal Adjudication Panel (“IAP”). Rule 3348(e) provides that that, “if the Covered Person does not challenge [HIWU’s] assertion of a Controlled Medication Rule Violation or the proposed Consequences within the prescribed deadline,⁸ the Covered Person shall be deemed to have waived his or her right to a hearing, admitted the Controlled Medication Rule Violation(s) charged, and accepted the Consequences specified by the Agency in the Charge Letter (without any mitigation of those Consequences).”

⁴ AB, at Tab 2.

⁵ AB, at Tab 4.

⁶ AB, at Tab 7.

⁷ AB, at Tab 2. Rule 3312(b)(1) provides that proof of a Rule 3312 violation is sufficient “where the Responsible Person waives analysis of the B Sample and the B Sample is not analyzed.”

⁸ Rule 3348(d)(iii) makes clear that a Covered Person must “dispute . . . the proposed Consequences at a hearing in accordance with Rule 3361 and the Arbitration Procedures.”

PUBLIC

After service of the ECM Charge, Appellant refused to elect any of the options set forth in the Charge letter and did not request an extension from HIWU. Rather, he requested a dismissal of the Charge and requested documents from HIWU that were neither relevant nor material to the matter (*see* Rule 7260(a)), and which reflected his disregard for the Horseracing Integrity and Safety Act and the ADMC Program.⁹

Appellant refused to elect a merits hearing, even after HIWU reminded him of his options on February 19 and February 24 (when he was provided the A Sample Laboratory Documentation Package).¹⁰ Such conduct is inconsistent with Rule 3040(a), which requires Covered Persons “to be knowledgeable of and to comply with the Protocol and related rules at all times.” HIWU issued its initial decision on March 4,¹¹ yet Appellant still did not make any attempt to request a hearing after the March 4 NOS was served.¹² HIWU then served the Amended NOS on March 9.

During the entire process, Appellant refused to comply with the Rules or acknowledge their applicability. While in continued communication with HIWU, he refused to take advantage of the due process afforded to him. He declined to request B Sample analysis, and, once charged, refused to elect a hearing before the IAP, despite HIWU requesting his election on several occasions. Given his refusal to properly engage in the process, he should not be permitted to have a hearing at first instance before the ALJ. Such behavior should not be incentivized.

⁹ AB, at Tab 11. Appellant continued to send similar correspondence after the March 4 NOS (*see* AB, at Tab 16) and the Amended NOS were served (*see* AB, at Tabs 21-22)

¹⁰ AB, at Tabs 11 & 12.

¹¹ AB, at Tab 14.

¹² AB, at Tab 16. HIWU first sent Appellant the Appellant Procedures on March 6, 2026.

PUBLIC

While the Authority believes that the Final Decision should be upheld, given the fact that Appellant is not (and has not been) represented by counsel, the Authority would not object to the remand of the case for further proceedings pursuant to 16 CFR §1.146(d)(3)(i), with an order that HIWU initiate the IAP for a merits hearing.

ALL OF WHICH IS RESPECTFULLY SUBMITTED THIS 18th day of May, 2026.

/s/Bryan H. Beauman

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