

**BEFORE THE FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES**

In the Matter of:

Horseracing Integrity and Welfare Unit

v.

Eusebio Juarez-Rufino

Docket No. 9444

**RESPONDENT’S NOTICE OF APPEAL AND CONCISE EXCEPTIONS TO INITIAL
DECISION**

Pursuant to 16 C.F.R. §§ 3.52 and 3.54, Respondent Eusebio Juarez-Rufino respectfully submits these Exceptions to the Initial Decision affirming a violation of Rule 3214(a) and imposing a twenty-four-month period of ineligibility and a \$10,000 fine.

This case concerns syringes containing diisopropylamine (“DIPO”) discovered inside the center console of Respondent’s SUV during a January 2025 search at Oaklawn Park. [Decision at 1-2]. No horse tested positive for DIPO. No evidence established race-day administration, attempted administration, concealment, or competitive impact.

The Initial Decision rests primarily upon rejection of corroborated third-party testimony offered by mechanic Luis Terrazas. Terrazas testified the syringes belonged to him, that he placed them in the vehicle while performing repairs, and that Respondent did not know they were present. [Tr. 13:17-25; 14:1-23; 18:5-11]. Terrazas further testified he possessed the SUV for approximately

two weeks, drove it repeatedly during repairs, and had sole access to the vehicle during that period. [Tr. 12:11-25; 13:1-12]. Repair invoices corroborated the timeline.

The ALJ acknowledged Respondent immediately stated during the search that “the mechanic must have left them in there.” [Decision at 1-2]. That contemporaneous statement materially supports the defense explanation and undermines any inference of fabricated post-hoc deception.

EXCEPTION NO. 1

THE INITIAL DECISION IMPROPERLY REJECTED DIRECT TESTIMONY THROUGH SPECULATION RATHER THAN SUBSTANTIAL EVIDENCE

The Initial Decision rejected Terrazas’s testimony not through objective contradiction, forensic evidence, or contrary witness testimony, but through generalized suspicion and speculation.

Terrazas consistently testified:

- He possessed the SUV for repairs [Tr. 12:11-25];
- He placed the syringes in the center console [Tr. 14:1-5];
- He forgot they remained there [Tr. 18:1-24]; and
- Respondent lacked knowledge of their presence [Tr. 18:10-11].

Cross-examination revealed, at most, minor inconsistencies concerning names, terminology relating to roosters or farm animals, and sequence details concerning medication. Those peripheral discrepancies do not constitute substantial evidence that the entire account was fabricated.

EXCEPTION NO. 2

THE INITIAL DECISION IMPROPERLY RELIED UPON UNSUPPORTED ASSUMPTIONS REGARDING POULTRY TREATMENT AND SYRINGE USAGE

The Decision relied heavily upon assumptions that the syringes “seemed unlikely” to relate to poultry treatment. However, no poultry expert, veterinarian, agricultural witness, or scientific evidence contradicted Terrazas’s testimony. No evidence established the syringe sizes or contents were inconsistent with off-label agricultural or poultry use. Terrazas testified he had previously injected roosters and obtained the syringes in connection with rooster injuries after a predator attack. [Tr. 14:10-25; 15:1-6]. Credibility findings cannot substitute for actual scientific proof.

EXCEPTION NO. 3

THE INITIAL DECISION FAILED TO GIVE PROPER WEIGHT TO EVIDENCE DEMONSTRATING LACK OF CONCEALMENT

The undisputed evidence established the syringes were openly visible inside the center console and were not concealed. Terrazas testified they were “just placed right there on top.” [Tr. 15:10-15]. The absence of concealment materially undermines any inference of intentional clandestine race-day doping activity. Additionally, Respondent immediately denied ownership during the search itself, before laboratory testing or formal charges existed. [Decision at 1-2].

EXCEPTION NO. 4**THE INITIAL DECISION IMPROPERLY BLURRED THE DISTINCTION BETWEEN STRICT-LIABILITY POSSESSION AND INTENTIONAL MISCONDUCT**

The Decision acknowledged Rule 3214(a) operates as a strict-liability possession rule. [Decision at 4-5]. Yet the analysis repeatedly relied upon concepts of deception, implausibility, concealment, and intentional misconduct. If intent and knowledge are legally irrelevant, then extensive credibility-based insinuations became immaterial and unfairly prejudicial. Conversely, if intent-based inferences were relied upon to justify severe sanctions, those inferences required substantial evidentiary support rather than conjecture.

EXCEPTION NO. 5**THE SANCTIONS IMPOSED ARE ARBITRARY AND DISPROPORTIONATE**

Even assuming a technical possession violation occurred, the sanctions imposed are excessive in light of the evidence actually presented. No horse tested positive. No evidence established administration or attempted administration to a horse. [Decision at 4-5]. No competitive advantage was shown. The evidence demonstrated, at most, inadvertent presence of syringes in a repaired vehicle following a two-week repair period during which a third party had sole access to the SUV. [Tr. 12:11-25; 13:1-12].

RELIEF REQUESTED

Respondent respectfully requests that the Commission:

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1. Reverse the finding of violation under Rule 3214(a);

or alternatively,

2. Vacate the sanctions imposed and remand for reconsideration of sanction proportionality;

or alternatively,

3. Substantially reduce the sanctions in light of:

- the absence of administration evidence;
- the absence of competitive impact;
- the absence of concealment;
- the corroborated repair timeline; and
- the mechanic's admitted ownership and placement of the syringes.

*The mechanic's admitted ownership and placement of the syringes.

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CERTIFICATE OF SERVICE

This is to certify that on this 28th day of May,2026, a true and correct copy of the foregoing was transmitted via electronic mail to:

PUBLIC

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/s/ John Mac Hayes

Artificial Intelligence Certificate

Any language drafted by A.I. occurring in the Exceptions was reviewed by me, checked through online database and certified accurate.

/s/ John Mac Hayes

John Mac Hayes, for Respondent