

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

IN THE MATTER OF

Docket No. _____

RICARDO A. MURILLO,
Appellant.

ECM2026-138

APPLICATION FOR STAY OF FINAL CIVIL SANCTIONS

Pursuant to 15 U.S.C. § 3058(b)(3) and 16 C.F.R. § 1.148, Appellant Ricardo A. Murillo requests a stay of all consequences imposed in ECM2026-138 pending the Administrative Law Judge's review. This Application is filed concurrently with Appellant's Application for Review.

1. Likelihood of success on review

Appellant presents a strong threshold issue. The Final Ruling was issued and digitally signed August 27, 2026, but HISA submitted its civil-sanction notice on September 1. Under 16 C.F.R. § 4.3, August 28 was day one and August 31 day two; September 1 was day three. Section 1.145(a) makes timely notice a condition of enforceability. The merits also present substantial questions. Byk's screening estimates were 4.033 ng/mL for one ion and 3.919 ng/mL for the other against a 4.00 ng/mL limit, while nominal 4.00 controls in the same run measured 4.134 and 4.086, demonstrating positive bias capable of accounting for the asserted margin. HIWU then relied on numerical estimates from a confirmation method expressly identified as qualitative, not quantitative. The record also assigns receipt of the same package to Brooke Draper in the transportation record and Rebecca Cheeseman in the laboratory custody record. The IAP did not apply the Rule 3122(c)-(d) burden after these departures were shown and inaccurately listed Appellant's evidence as "None." These record-based errors create a substantial likelihood of reversal or dismissal.

2. Irreparable harm absent a stay

The harm extends beyond temporary payment of \$500. The sanctions disqualify the race result, require forfeiture or repayment of purse proceeds, and assign 1.5 penalty points that increase future sanction exposure. Nonpayment may also produce suspension and prevent participation in covered racing. Most seriously, after the contested hearing HIWU published a false "CASE RESOLUTION WITHOUT HEARING," stating that Appellant admitted the violation and accepted consequences and listing a \$5,000 fine, although the Final Ruling imposed \$500. After this Application was first submitted, HIWU disabled or removed public access to the linked PDF without notifying Appellant, explaining the change, or correcting the record. Its removal limits further dissemination but does not cure the reputational harm already caused.¹

3. No material injury to HISA or third parties

A temporary stay preserves the status quo during expedited review. HISA and HIWU suffer no material prejudice from deferring collection, disqualification, forfeiture, penalty points, and nonpayment enforcement. HIWU previously advised Appellant that it would defer processing the race disqualification during the appeal period. No ongoing safety threat is alleged, and the disputed event occurred on April 16, 2026. Any valid sanction can be implemented promptly if affirmed.

4. The public interest favors a stay

The public interest favors accurate, uniform, and lawful enforcement. It does not favor immediate enforcement where statutory notice appears untimely, the analytical margin is reasonably explained by the run's own positive bias, the confirmation was qualitative, and HIWU's public case document contradicted the hearing and Final Ruling before being removed

¹HIWU, Case Resolution Without Hearing, Ricardo A. Murillo/Byk (copy preserved as Exhibit C to the Application for Review; public link subsequently disabled).

without explanation. A stay protects confidence in the ADMC Program while allowing review without prejudging the merits.

RELIEF REQUESTED

Appellant respectfully requests that the ALJ stay: (1) the \$500 fine and payment deadline; (2) disqualification and purse forfeiture or repayment; (3) the assessment and use of 1.5 penalty points; and (4) any suspension or other enforcement based on nonpayment, pending final resolution of this review. Appellant further requests that HISA and HIWU mark the matter as stayed and under review, maintain removal of the false "Case Resolution Without Hearing" document, and formally correct the public record.

Dated: September 15, 2026

/s/ Ricardo A. Murillo

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WORD COUNT CERTIFICATION

Pursuant to 16 C.F.R. § 1.148(b)(1), Appellant certifies that this Application contains fewer than 1,000 words, excluding the caption, signature block, certificate of service, and attached exhibits.

CERTIFICATE OF SERVICE

I certify that on September 15, 2026, I served a copy of the foregoing by email upon John L. Forgy, Counsel to the Horseracing Integrity and Safety Authority, at johnforgy1@gmail.com;

Christy Heath, HIWU counsel, at cheath@hiwu.org; and Samuel Reinhardt, HISA, at samuel.reinhardt@hisaus.org. The filing was transmitted to the Secretary of the Federal Trade Commission at electronicfilings@ftc.gov and to the Office of Administrative Law Judges at oalj@ftc.gov.

/s/ Ricardo A. Murillo

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