

**UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION  
OFFICE OF ADMINISTRATIVE LAW JUDGES  
FTC DOCKET NO. D-9424**

**ADMINISTRATIVE LAW JUDGE: D. MICHAEL CHAPPELL**

**IN THE MATTER OF:**

**DERRICK PARRAM**

**APPELLANT**

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**APPEAL BOOK**

---

February 20, 2024

Respectfully submitted,

STURGILL, TURNER, BARKER & MOLONEY,  
PLLC

/s/ Bryan Beaman

BRYAN BEAMAN

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HISA ENFORCEMENT COUNSEL

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**INDEX**


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<b>TAB</b>	<b>DOCUMENT DESCRIPTION</b>	<b>PG. #</b>
1.	Stewards Ruling, dated February 9, 2023	1 – 2
2.	Notice of Appeal, dated February 10, 2023	3 – 6
3.	Notice of Board Hearing for March 27, 2023, served March 7, 2023	7 – 12
4.	Notice of Board Hearing for June 19, 2023, served May 26, 2023	13 – 18
5.	Stipulation with Rulings Attached dated June 13, 2023	19 – 26
6.	Notice of Board Hearing for October 4, 2023, served September 13, 2023	27 – 32
7.	Scheduling Order, dated October 18, 2023	33 – 36
8.	Statement of Louis Ulman and Walter Vieser, II, dated November 8, 2023	37 – 41
9.	Authority's Post-Hearing Brief, dated November 10, 2023	42 – 56
10.	Appellant's Brief, dated November 10, 2023	57 – 68
11.	Decision on Appeal, dated December 14, 2023	69 – 79
12.	Authority's Notice of FTC of Sanctions Imposed dated December 14, 2023	80 – 82
13.	Parram Notice of Appeal to the FTC, dated December 21, 2023	83 – 100
14.	Authority's Statement of Good Standing, dated January 2, 2024	101 – 105
15.	Authority's Response to Notice of Appeal and Request for Stay, dated January 2, 2024	106 – 110
16.	Order for Supplemental Filing, dated January 9, 2024	111 – 113
17.	Hackerman Notice of Appearance, dated January 12, 2024	114 – 119

18.	Order Granting Appellant's Request For Stay Pending Appeal, dated January 9, 2024	120 – 122
19.	Appellant's Supplemental Filing, dated January 23, 2024	123 – 128
20	Order on Application for Review and Setting Date for Evidentiary Hearing, dated January 24, 2024	129 – 132
21.	Appellant's Request for Continuance of Hearing, dated January 26, 2024	133 – 138
22.	Order Granting Motion for Continuance and Resetting Date for Evidentiary Hearing, dated January 26, 2024	139 – 140
	Video recording of June 19, 2023, Board Hearing simultaneously submitted with Appeal Book	
	Video recording of October 4, 2023, Board Hearing simultaneously submitted with Appeal Book	

# TAB 1

**MARYLAND RACING COMMISSION**

300 East Towsontown Blvd.  
Towson, Maryland 21286

**STEWARDS RULING**


**DATE:** February 9, 2023

**TRACK:** Laurel Park

**STEWARDS:** Adam Campola  
Ross R Pearce  
Russell G Derderian

**RULINGS:**

**#23-021** In the matter of the claim of the horse "Girls Love Me" from December 9, 2022;  
On February 4, 2023 the Stewards conducted a hearing with owner/trainer Derrick Parram about the claim of his horse "Girls Love Me". Mr. Parram waived his right to legal counsel at this time. The Stewards notified Mr. Parram that due to a positive test for a Prohibited Substance that according to HISA rule 2262 (c)(5) the claim of "Girls Love Me" be voided and all monies pertaining to the claim be refunded.  
BY ORDER OF THE STEWARDS

  
\_\_\_\_\_  
Administrative Steward

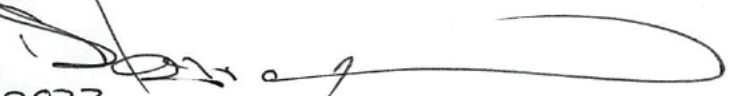
# TAB 2



# HORSERACING INTEGRITY AND SAFETY AUTHORITY

## NOTICE OF APPEAL

For an appeal to be deemed effective and filed, this Notice of Appeal must be completed, signed, dated, and filed with HISA within ten (10) calendar days of receiving a written ruling, decision, or order pursuant to Rule 8350. This form may be filed by email at [Reporting@hisaus.org](mailto:Reporting@hisaus.org), or by mail to: Horseracing Integrity and Safety Authority, 401 W Main Street Suite 222, Lexington, Kentucky 40507.

PERSON FILING APPEAL		
Name: <i>Derrick Parram</i>	HISA ID Number: <i>P-000-013-374</i>	
Address: [REDACTED]	Email: [REDACTED]	Telephone: [REDACTED]
RULING, DECISION, OR ORDER TO BE APPEALED		
Names of Steward(s) or other Official(s) Issuing Ruling, Decision, or Order: <i>Adam Campola Russell Derderian Ross Pearce</i>	Racetrack (if applicable): <i>Laurel Park</i>	Rule Number Violation(s): <i>#23-021 (see attached)</i>
Date of Ruling, Decision, or Order: <small>February 9, 2023 -In the matter of the claim of the horse "Girls Love Me" from December 9, 2022. On February 4, 2023 the Stewards conducted a hearing with owner/trainer Derrick Parram about the claim of his horse "Girls Love Me". Mr. Parram waived his right to legal counsel at this time. The Stewards notified Mr. Parram that due to a positive test for a Prohibited Substance that according to HISA rule 2262 (c)(5) the claim of "Girls Love Me" be voided and all monies pertaining to the claim be refunded.</small>	Penalty Imposed: <i>Voiding of claim</i>	
REASONS FOR APPEAL AND RELIEF REQUESTED		
I hereby appeal the Ruling, Decision, or Order listed above, to which I object for the following reasons (attach additional page(s) if necessary):  <i>I was notified of the voiding of this claim after GIRLS LOVE ME was entered into a race on Dec 31 by its new owner. The horse was found to have a chip in a knee after the race and subsequently euthanized. I wasn't informed by Maryland Stewards of the positive test and voiding of the claim until after the horse was euthanized.</i>		
I request the following relief (attach additional page(s) if necessary):  <i>I am more than willing to abide by the rule and return the claim price if the horse was returned—but that is not possible. The return of the horse would allow me the ability to generate revenue to fund this loss and recover from this extreme hardship. The fact that the new owner euthanized this horse would have a crippling effect on my business.</i>		
Print Name: <i>Derrick Parram</i>	Signature: 	
Date: <i>2/10/2023</i>		

(l) Written Decision. The Board or the Racetrack Safety Committee shall issue to all parties within thirty days (30) of the close of the review period a written decision setting forth findings of fact, conclusions of law and the disposition of the matter including any penalty imposed. If a hearing report has been received, the Board and the Racetrack Safety Committee shall have discretion to adopt, modify or reject any or all of the hearing report including, but not limited to, the appropriate disposition of the proceeding and any penalty recommended.

### **8350. Appeal to the Board**

(a) Any decision rendered by the Racetrack Safety Committee, the stewards, the National Stewards Panel, or an Arbitral Body, may be appealed on the record to the Board. The decision may be appealed by a party to the decision, or the decision may be reviewed upon the Board's own initiative and at its discretion.

(aa) Any decision rendered by an initial Board hearing panel may be appealed on the record to the Board, to be reviewed by a quorum of the Board which shall not include the Board members who were on the panel in the initial hearing. The decision may be appealed by a party to the decision, or the decision may be reviewed upon the Board's own initiative and at its discretion.

(bb) An appeal shall not automatically stay the decision. A party may request the Board to stay the decision. A stay may be issued by the Board, or any official or body of the Authority to whom the Board delegates the authority to review requests for stay, for good cause shown.

(cc) A party to the decision may appeal to the Board by filing with the Board a written request for an appeal within ten (10) days after receiving a written order. The appeal request shall contain the following information:

- (1) the name, address, and telephone number, if any, of the appellant;
- (2) a description of the objections to the decision;
- (3) a statement of the relief sought; and
- (4) whether the appellant desires to have a hearing of the appeal.

(dd) The Board may in its discretion review a decision based solely upon written submissions scheduled for filing with such timing and response requirements as the Board may require. Alternatively, or in addition to written



submissions, the Board may set a date, time, and place for a hearing. Notice shall be given to the appellant in writing and shall set out the date, time, and place of the hearing, and shall be served personally or sent by electronic or U.S. mail to the last known address of the appellant. If the appellant objects to the date of the hearing, the appellant may obtain a continuance, but the continuance shall not automatically stay imposition of a sanction or prolong a stay issued by the Board. The hearing may be conducted by means of an audio-visual videoconferencing system.

(ee) Upon review of the decision which is the subject of the appeal, the Board shall uphold the decision unless it is clearly erroneous or not supported by the evidence or applicable law.

(ff) Upon completing its review, the Board may:

(1) Accept the decision;

(2) Reject or modify the decision, in whole or in part;

(3) Remand the matter, in whole or in part, to the stewards, Racetrack Safety Committee, the National Stewards Panel, or an Arbitral Body, as the case may be, for further proceedings as appropriate; or

(4) Conduct further proceedings on the matter as appropriate, including but not limited to requiring the submission of written briefs or, in extraordinary circumstances and at the Board's discretion, the taking of additional testimony before the Board under oath.

(h) The Board may appoint a presiding officer to assist in regulating the orderly conduct of and presentation of evidence at a hearing in accordance with Rule 8340(i). The Board may also direct a presiding officer to issue in writing a hearing report at the conclusion of the hearing in accordance with Rule 8340(j).

(a) The Board shall issue its written decision based on the record and any further proceedings, testimony, or hearing report and exceptions thereto submitted in accordance with Rule 8340(k). If a hearing report and exceptions have been submitted, the Board's written decision shall in accordance with Rule 8340(l) include findings of fact, conclusions of law and the disposition of the matter including any penalty imposed. The Board shall not be bound by the timing provisions in Rules 8340(k) and (l) relating to the period for review and the issuance by the Board of its written decision. A copy of the Board's decision shall be served upon all parties by first class mail, electronic mail, or personal service.

# TAB 3



# NOTICE OF APPEAL HEARING

<b>HISA Action Number: 2023-00124</b>	<b>Appeal Filing Date: 2/10/2023</b>
<b>Appellant Name: Derrick Parram</b>	<b>Appellant HISA ID: P-000-013-374</b>
<b>Ruling Date: 2/4/2023</b>	<b>Ruling Issued by the following steward(s): Adam Campola, Russell Derderian, and Ross Pearce</b>

## JURISDICTION

15 U.S.C. 57(a) § 3054 establishes jurisdiction for HISA to conduct this hearing. The procedures outlined in Rule 8350 will govern the adjudication of this appeal hearing.

## APPEAL HEARING INFORMATION

This Notice of Appeal Hearing serves as notice of hearing for the Horseracing Integrity and Safety Authority's (HISA) Board to review your filed appeal of the Laurel Park stewards' ruling issued against you on 2/4/2023. The stewards' ruling; the filed appeal; and, if applicable, the HISA Board Order granting/denying a stay of penalties in this matter are attached.

## HEARING INFORMATION

<b>Date: March 27, 2023</b>	<b>Time: 12:30 p.m. EDT session</b>
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Use the following link and meeting information to attend the hearing:

<https://us02web.zoom.us/j/84551234159?pwd=M1Jpa0FFNkw4WDh0TTI1aDREUnY3UT09>

Meeting ID: 845 5123 4159  
Passcode: 206950

This Notice was served via email to the following individual(s) at the below listed email address(es):

Derrick Parram – [REDACTED]  
David Richardson, Maryland Thoroughbred Horsemen's Association

By: Rebecca C. Price  
Title: Horseracing Integrity Safety Authority Enforcement Counsel  
Date of Service: March 7, 2023

**MARYLAND RACING COMMISSION**

300 East Towsontown Blvd.  
Towson, Maryland 21286

**STEWARDS RULING**


**DATE:** February 9, 2023

**TRACK:** Laurel Park

**STEWARDS:** Adam Campola  
Ross R Pearce  
Russell G Derderian

**RULINGS:**

**#23-021** In the matter of the claim of the horse "Girls Love Me" from December 9, 2022;  
On February 4, 2023 the Stewards conducted a hearing with owner/trainer Derrick Parram about the claim of his horse "Girls Love Me". Mr. Parram waived his right to legal counsel at this time. The Stewards notified Mr. Parram that due to a positive test for a Prohibited Substance that according to HISA rule 2262 (c)(5) the claim of "Girls Love Me" be voided and all monies pertaining to the claim be refunded.  
BY ORDER OF THE STEWARDS

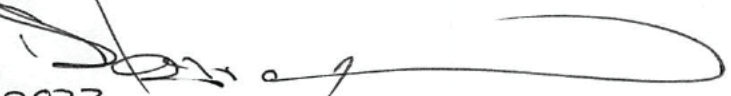
  
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Administrative Steward



## HORSERACING INTEGRITY AND SAFETY AUTHORITY

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PERSON FILING APPEAL		
Name: <i>Derrick Parram</i>	HISA ID Number: <i>P-000-013-374</i>	
Address: [REDACTED]	Email: [REDACTED]	Telephone: [REDACTED]
RULING, DECISION, OR ORDER TO BE APPEALED		
Names of Steward(s) or other Official(s) Issuing Ruling, Decision, or Order: <i>Adam Campola Russell Derderian Ross Pearce</i>	Racetrack (if applicable): <i>Laurel Park</i>	Rule Number Violation(s): <i>#23-021 (see attached)</i>
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REASONS FOR APPEAL AND RELIEF REQUESTED		
I hereby appeal the Ruling, Decision, or Order listed above, to which I object for the following reasons (attach additional page(s) if necessary):  <i>I was notified of the voiding of this claim after GIRLS LOVE ME was entered into a race on Dec 31 by its new owner. The horse was found to have a chip in a knee after the race and subsequently euthanized. I wasn't informed by Maryland Stewards of the positive test and voiding of the claim until after the horse was euthanized.</i>		
I request the following relief (attach additional page(s) if necessary):  <i>I am more than willing to abide by the rule and return the claim price if the horse was returned—but that is not possible. The return of the horse would allow me the ability to generate revenue to fund this loss and recover from this extreme hardship. The fact that the new owner euthanized this horse would have a crippling effect on my business.</i>		
Print Name: <i>Derrick Parram</i>	Signature: 	
Date: <i>2/10/2023</i>		

(l) Written Decision. The Board or the Racetrack Safety Committee shall issue to all parties within thirty days (30) of the close of the review period a written decision setting forth findings of fact, conclusions of law and the disposition of the matter including any penalty imposed. If a hearing report has been received, the Board and the Racetrack Safety Committee shall have discretion to adopt, modify or reject any or all of the hearing report including, but not limited to, the appropriate disposition of the proceeding and any penalty recommended.

### **8350. Appeal to the Board**

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(cc) A party to the decision may appeal to the Board by filing with the Board a written request for an appeal within ten (10) days after receiving a written order. The appeal request shall contain the following information:

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- (3) a statement of the relief sought; and
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(dd) The Board may in its discretion review a decision based solely upon written submissions scheduled for filing with such timing and response requirements as the Board may require. Alternatively, or in addition to written

submissions, the Board may set a date, time, and place for a hearing. Notice shall be given to the appellant in writing and shall set out the date, time, and place of the hearing, and shall be served personally or sent by electronic or U.S. mail to the last known address of the appellant. If the appellant objects to the date of the hearing, the appellant may obtain a continuance, but the continuance shall not automatically stay imposition of a sanction or prolong a stay issued by the Board. The hearing may be conducted by means of an audio-visual videoconferencing system.

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# TAB 4





# NOTICE OF APPEAL HEARING

<b>HISA Action Number: 2023-00124</b>	<b>Appeal Filing Date: 2/10/2023</b>
<b>Appellant Name: Derrick Parram</b>	<b>Appellant HISA ID: P-000-013-374</b>
<b>Ruling Date: 12/4/2022</b>	<b>Ruling Issued by the following steward(s): Adam Campola, Russell Derderian, Ross Pearce</b>

## JURISDICTION

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## APPEAL HEARING INFORMATION

This Notice of Appeal Hearing serves as notice of hearing for the Horseracing Integrity and Safety Authority's (HISA) Board to review your filed appeal of the Laurel Park stewards' ruling issued against you on 12/4/2022. The stewards' ruling; the filed appeal; and, if applicable, the HISA Board Order granting/denying a stay of penalties in this matter are attached.

If you wish to withdraw your appeal prior to the hearing, please contact HISA enforcement counsel at [reporting@hisaus.org](mailto:reporting@hisaus.org) with your written notice of withdrawal of the appeal.

## HEARING INFORMATION

**Date: June 19, 2023**

**Time: 3:00 PM EDT session**

Use the following link and meeting information to attend the hearing:

<https://us02web.zoom.us/j/85407341295?pwd=QmRyM0hGVnQ1RHFLUnBxN0JGRW9Ldz09>

Meeting ID: 854 0734 1295

Passcode: 804034

This Notice was served via email to the following individual(s) at the below listed email address(es):

Derrick Parram  
[richard@richardhackerman.com](mailto:richard@richardhackerman.com)

By: Rebecca C. Price  
Title: Horseracing Integrity Safety Authority Enforcement Counsel  
Date of Service: May 26, 2023

**MARYLAND RACING COMMISSION**

300 East Towsontown Blvd.  
Towson, Maryland 21286

**STEWARDS RULING**


**DATE:** February 9, 2023

**TRACK:** Laurel Park

**STEWARDS:** Adam Campola  
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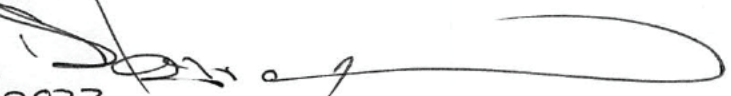
  
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(4) Conduct further proceedings on the matter as appropriate, including but not limited to requiring the submission of written briefs or, in extraordinary circumstances and at the Board's discretion, the taking of additional testimony before the Board under oath.

(h) The Board may appoint a presiding officer to assist in regulating the orderly conduct of and presentation of evidence at a hearing in accordance with Rule 8340(i). The Board may also direct a presiding officer to issue in writing a hearing report at the conclusion of the hearing in accordance with Rule 8340(j).

(a) The Board shall issue its written decision based on the record and any further proceedings, testimony, or hearing report and exceptions thereto submitted in accordance with Rule 8340(k). If a hearing report and exceptions have been submitted, the Board's written decision shall in accordance with Rule 8340(l) include findings of fact, conclusions of law and the disposition of the matter including any penalty imposed. The Board shall not be bound by the timing provisions in Rules 8340(k) and (l) relating to the period for review and the issuance by the Board of its written decision. A copy of the Board's decision shall be served upon all parties by first class mail, electronic mail, or personal service.

# TAB 5



**HORSERACING INTEGRITY AND SAFETY AUTHORITY  
ACTION NO. 2023-00124**

IN RE: APPEAL OF DERRICK PARRAM

APPELLANT

On February 10, 2023, Appellant Derrick Parram (“Parram”) filed an appeal of the Laurel Park Stewards’ (the “Stewards”) Ruling voiding the claim of GIRLS LOVE ME pursuant to Horseracing Integrity and Safety Authority (“HISA”) Rule 2262. The parties stipulate and agree as follows:

1. On December 9, 2022, Owner/Trainer Parram raced GIRLS LOVE ME in Race 3, a claiming race, at Laurel Park.

2. Louis J. Ulman and Walter Vieser, II claimed the horse on December 9, 2022.

3. Owners Ulman and Vieser raced GIRLS LOVE ME in Race 6 at Laurel Park on December 31, 2022. During the race, GIRLS LOVE ME suffered a knee injury.

4. On January 6, 2023, the Stewards received a Certificate of Analysis of the post-race blood sample taken from GIRLS LOVE ME on December 9, 2022. The Certificate alleged the presence of Dexamethasone and Trichlormethiazide in the horse’s blood at the time of the race on December 9, 2022.

5. The Stewards held a hearing with Owner/Trainer Parram on January 8, 2023, regarding the laboratory results. The Stewards issued Owner/Trainer Parram a Ruling with the following findings:

- (1) “Girls Love Me” did have Dexamethasone and Trichlormethiazide, in its system when she finished second in the third race at Laurel Park on December 9, 2022, a violation under COMAR 09.10.03.04,C;
- (2) Derrick Parram, as trainer, was the absolute insurer of, and responsible for, the condition of “Girls Love Me” at the time the horse ran (Sections D & F);



- (3) A horse found to have carried a drug in its body during a race may be disqualified and the purse monies earned by that horse redistributed and
- (4) An individual found to have violated these Regulations may be subject to a fine issued by the Stewards of up to \$2,500.00 and a suspension of any license issued by the Maryland Racing Commission of up to 360 days. COMAR 09.10.03.02, Section A.

Based upon the foregoing, the Stewards hereby order:

- (1) The Horse "Girls Love Me" be disqualified from the third race on December 9, 2022.
- (2) The Horsemen's Bookkeeper redistribute all purse monies for that race in accordance with the following order:
  - 1<sup>st</sup> Bigmancan
  - 2<sup>nd</sup> Nottoway
  - 3<sup>rd</sup> Yes Sir Robert
  - 4<sup>th</sup> Dr. Rusty Raymond
  - 5<sup>th</sup> The Cairo Kid
  - 6<sup>th</sup> He's a Shooter
  - 7<sup>th</sup> Pepe and Heywood

Girls Love Me-unplaced

A separate hearing was held to address the Multiple Medication Violation Point system. Trainer Derrick Parram will be assigned One (1) Multiple Medication Violation Point. (Comar 09.10,03.02 C)

BY ORDER OF THE STEWARDS

A complete copy of the ruling is attached hereto and incorporated herein.





6. On January 20, 2023, under the care of Owners Ulman and Vieser, GIRLS LOVE ME underwent knee surgery for the previously sustained racing injury. During the course of the horse's recuperation, the horse got colic.

7. GIRLS LOVE ME died on January 29, 2023, from complications of the post-surgery colic.

8. Neither the horse's injury nor death are related to the care, training or alleged drug positive while the horse was trained and owned by Derrick Parram.



9. On February 1, 2023, Trainer Dale Capuano contacted the Stewards via telephone to protest the claim of GIRLS LOVE ME after the horse died.

10. The Stewards conducted another hearing with Owner/Trainer Parram on February 4, 2023, regarding the claim of GIRLS LOVE ME from December 9, 2022.

11. The Stewards issued a Ruling on February 9, 2023, with the finding "that due to a positive test for a Prohibited Substance that according to HISA Rule 2262(c)(5) the claim of 'Girls Love Me' be voided and all monies pertaining to the claim be refunded. BY ORDER OF THE STEWARD." A complete copy of the Ruling is attached.



Have Seen and Agreed to:

<p>By: </p> <hr/> <p>Richard Hackerman, Attorney for Appellant Derrick Parram</p>
<p>By: </p> <hr/> <p>Bryan H. Beauman Rebecca Price Enforcement Counsel</p>

Approved this 13th day of June, 2023.

\_\_\_\_\_  
Charles P. Scheeler,  
Chair of the Board

## MARYLAND RACING COMMISSION

300 East Towsontown Blvd.  
Towson, Maryland 21286

### STEWARDS RULING

January 8, 2023

TRACK: Laurel Park

STEWARDS: Adam Campola  
Ross R Pearce  
Russell G Derderian

#### RULINGS:

**#23-001** On January 6, 2023, the Stewards received notice from Industrial Laboratories that blood sample #E583930, dated December 9, 2022, contained the drugs **dexamethasone and trichlormethiazide**. The Stewards established that blood sample #E583930 was taken from the horse "**Girls Love Me**", owned and trained by Derrick Parram, following the running of the third race at Laurel Park on December 9, 2022. The Stewards notified Mr. Parram that: (1) the presence of dexamethasone and trichlormethiazide in the system of "**Girls Love Me**" at the time the horse ran constituted a violation under COMAR 09.10.03.04 Drug Prohibition - Horses; (2) he had the right to have the split sample tested by an independent laboratory prior to the Stewards conducting a hearing in this matter; and (3) he had the right to be represented by counsel at the hearing.

The Stewards held a hearing on January 8, 2023, wherein Mr. Parram waived his right to a split sample and legal counsel.

Based upon the evidence before them, the Stewards find the following:

- (1) "**Girls Love Me**" did have dexamethasone and trichlormethiazide, in its system when it finished second in the third race at Laurel Park on December 9, 2022, a violation under COMAR 09.10.03.04,C;
- (2) Derrick Parram, as trainer, was the absolute insurer of, and responsible for, the condition of "**Girls Love Me**" at the time the horse ran (Sections D & F);
- (3) A horse found to have carried a drug in its body during a race may be disqualified and the purse monies earned by that horse redistributed and
- (4) An individual found to have violated these Regulations may be subject to a fine issued by the Stewards of up to \$2,500 and a suspension of any license issued by the Maryland Racing Commission of up to 360 days. COMAR 09.10.03.02, Section A.

Based upon the foregoing, the Stewards hereby order:

- (1) The horse "**Girls Love Me**" be disqualified from the third race on December 9, 2022.
- (2) The Horsemen's Bookkeeper redistribute all purse monies for that race in accordance with the following order:

\_\_\_\_\_  
Administrative Steward

**MARYLAND RACING COMMISSION**  
300 East Towsontown Blvd.  
Towson, Maryland 21286

**STEWARDS RULING**

*OFFICIAL ORDER OF FINISH*

- 1<sup>st</sup> Bigmancan
- 2<sup>nd</sup> Nottoway
- 3<sup>rd</sup> Yes Sir Robert
- 4<sup>th</sup> Dr. Rusty Raymond
- 5<sup>th</sup> The Cairo Kid
- 6<sup>th</sup> He's a Shooter
- 7<sup>th</sup> Pepe and Heywood

Girls Love Me- unplaced

A separate hearing was held to address the Multiple Medication Violation Point system.  
Trainer Derrick Parram will be assigned One (1) Multiple Medication Violation Point.

**[Comar 09.10.03.02 C]**

**BY ORDER OF THE STEWARDS**

  
\_\_\_\_\_  
Administrative Steward

**MARYLAND RACING COMMISSION**

300 East Towsontown Blvd.  
Towson, Maryland 21286

**STEWARDS RULING**

**DATE:** February 9, 2023

**TRACK:** Laurel Park

**STEWARDS:** Adam Campola  
Ross R Pearce  
Russell G Derderian

**RULINGS:**

**#23-021** In the matter of the claim of the horse "Girls Love Me" from December 9, 2022;  
On February 4, 2023 the Stewards conducted a hearing with owner/trainer Derrick Parram about the claim of his horse "Girls Love Me". Mr. Parram waived his right to legal counsel at this time. The Stewards notified Mr. Parram that due to a positive test for a Prohibited Substance that according to HISA rule 2262 (c)(5) the claim of "Girls Love Me" be voided and all monies pertaining to the claim be refunded.  
BY ORDER OF THE STEWARDS

  
\_\_\_\_\_  
Administrative Steward

# TAB 6



# NOTICE OF APPEAL HEARING

<b>HISA Action Number: 2023-00124</b>	<b>Appeal Filing Date: 2/10/2023</b>
<b>Appellant Name: Derrick Parram</b>	<b>Appellant HISA ID: P-000-013-374</b>
<b>Ruling Date: 2/4/2023</b>	<b>Ruling Issued by the following steward(s): Adam Campola Russell Derderian Ross Pearce</b>

## JURISDICTION

15 U.S.C. 57(a) § 3054 establishes jurisdiction for HISA to conduct this hearing. The procedures outlined in Rule 8350 will govern the adjudication of this appeal hearing.

## APPEAL HEARING INFORMATION

This Notice of Appeal Hearing serves as notice of hearing for the Horseracing Integrity and Safety Authority's (HISA) Board to review your filed appeal of the Laurel Park stewards' ruling issued against you on February 2, 2023. The stewards' ruling; the filed appeal; and, if applicable, the HISA Board Order granting/denying a stay of penalties in this matter are attached.

If you wish to withdraw your appeal prior to the hearing, please contact HISA enforcement counsel at [reporting@hisaus.org](mailto:reporting@hisaus.org) with your written notice of withdrawal of the appeal.

## HEARING INFORMATION

**Date: October 4, 2023**

**Time: 11:30 AM EDT**

Use the following link and meeting information to attend the hearing:

<https://us02web.zoom.us/j/88557710749?pwd=NGk5WFIsa3JHaDFjemRqOEwxWk5udz09>

Meeting ID: 885 5771 0749

Passcode: 347102

This Notice was served via email to the following individual(s) at the below listed email address(es):

Richard Hackerman  
[richard@richardhackerman.com](mailto:richard@richardhackerman.com)

By: Rebecca C. Price  
Title: Horseracing Integrity Safety Authority Enforcement Counsel  
Date of Service: September 13, 2023

**MARYLAND RACING COMMISSION**

300 East Towsontown Blvd.  
Towson, Maryland 21286

**STEWARDS RULING**

**DATE:** February 9, 2023

**TRACK:** Laurel Park

**STEWARDS:** Adam Campola  
Ross R Pearce  
Russell G Derderian

**RULINGS:**

**#23-021** In the matter of the claim of the horse "Girls Love Me" from December 9, 2022;  
On February 4, 2023 the Stewards conducted a hearing with owner/trainer Derrick Parram about the claim of his horse "Girls Love Me". Mr. Parram waived his right to legal counsel at this time. The Stewards notified Mr. Parram that due to a positive test for a Prohibited Substance that according to HISA rule 2262 (c)(5) the claim of "Girls Love Me" be voided and all monies pertaining to the claim be refunded.  
BY ORDER OF THE STEWARDS

  
\_\_\_\_\_  
Administrative Steward





## HORSERACING INTEGRITY AND SAFETY AUTHORITY

### NOTICE OF APPEAL

For an appeal to be deemed effective and filed, this Notice of Appeal must be completed, signed, dated, and filed with HISA within ten (10) calendar days of receiving a written ruling, decision, or order pursuant to Rule 8350. This form may be filed by email at [Reporting@hisaus.org](mailto:Reporting@hisaus.org), or by mail to: Horseracing Integrity and Safety Authority, 401 W Main Street Suite 222, Lexington, Kentucky 40507.

PERSON FILING APPEAL		
Name: <i>Derrick Parram</i>	HISA ID Number: <i>P-000-013-374</i>	
Address: [REDACTED]	Email: [REDACTED]	Telephone: [REDACTED]
RULING, DECISION, OR ORDER TO BE APPEALED		
Names of Steward(s) or other Official(s) Issuing Ruling, Decision, or Order: <i>Adam Campola Russell Derderian Ross Pearce</i>	Racetrack (if applicable): <i>Laurel Park</i>	Rule Number Violation(s): <i>#23-021 (see attached)</i>
Date of Ruling, Decision, or Order: <small>February 9, 2023 -In the matter of the claim of the horse "Girls Love Me" from December 9, 2022. On February 4, 2023 the Stewards conducted a hearing with owner/trainer Derrick Parram about the claim of his horse "Girls Love Me". Mr. Parram waived his right to legal counsel at this time. The Stewards notified Mr. Parram that due to a positive test for a Prohibited Substance that according to HISA rule 2262 (c)(5) the claim of "Girls Love Me" be voided and all monies pertaining to the claim be refunded.</small>	Penalty Imposed: <i>Voiding of claim</i>	
REASONS FOR APPEAL AND RELIEF REQUESTED		
I hereby appeal the Ruling, Decision, or Order listed above, to which I object for the following reasons (attach additional page(s) if necessary):  <i>I was notified of the voiding of this claim after GIRLS LOVE ME was entered into a race on Dec 31 by its new owner. The horse was found to have a chip in a knee after the race and subsequently euthanized. I wasn't informed by Maryland Stewards of the positive test and voiding of the claim until after the horse was euthanized.</i>		
I request the following relief (attach additional page(s) if necessary):  <i>I am more than willing to abide by the rule and return the claim price if the horse was returned—but that is not possible. The return of the horse would allow me the ability to generate revenue to fund this loss and recover from this extreme hardship. The fact that the new owner euthanized this horse would have a crippling effect on my business.</i>		
Print Name: <i>Derrick Parram</i>	Signature: 	
Date: <i>2/10/2023</i>		

(l) **Written Decision.** The Board or the Racetrack Safety Committee shall issue to all parties within thirty days (30) of the close of the review period a written decision setting forth findings of fact, conclusions of law and the disposition of the matter including any penalty imposed. If a hearing report has been received, the Board and the Racetrack Safety Committee shall have discretion to adopt, modify or reject any or all of the hearing report including, but not limited to, the appropriate disposition of the proceeding and any penalty recommended.

### **8350. Appeal to the Board**

(a) Any decision rendered by the Racetrack Safety Committee, the stewards, the National Stewards Panel, or an Arbitral Body, may be appealed on the record to the Board. The decision may be appealed by a party to the decision, or the decision may be reviewed upon the Board's own initiative and at its discretion.

(aa) Any decision rendered by an initial Board hearing panel may be appealed on the record to the Board, to be reviewed by a quorum of the Board which shall not include the Board members who were on the panel in the initial hearing. The decision may be appealed by a party to the decision, or the decision may be reviewed upon the Board's own initiative and at its discretion.

(bb) An appeal shall not automatically stay the decision. A party may request the Board to stay the decision. A stay may be issued by the Board, or any official or body of the Authority to whom the Board delegates the authority to review requests for stay, for good cause shown.

(cc) A party to the decision may appeal to the Board by filing with the Board a written request for an appeal within ten (10) days after receiving a written order. The appeal request shall contain the following information:

- (1) the name, address, and telephone number, if any, of the appellant;
- (2) a description of the objections to the decision;
- (3) a statement of the relief sought; and
- (4) whether the appellant desires to have a hearing of the appeal.

(dd) The Board may in its discretion review a decision based solely upon written submissions scheduled for filing with such timing and response requirements as the Board may require. Alternatively, or in addition to written

submissions, the Board may set a date, time, and place for a hearing. Notice shall be given to the appellant in writing and shall set out the date, time, and place of the hearing, and shall be served personally or sent by electronic or U.S. mail to the last known address of the appellant. If the appellant objects to the date of the hearing, the appellant may obtain a continuance, but the continuance shall not automatically stay imposition of a sanction or prolong a stay issued by the Board. The hearing may be conducted by means of an audio-visual videoconferencing system.

(ee) Upon review of the decision which is the subject of the appeal, the Board shall uphold the decision unless it is clearly erroneous or not supported by the evidence or applicable law.

(ff) Upon completing its review, the Board may:

(1) Accept the decision;

(2) Reject or modify the decision, in whole or in part;

(3) Remand the matter, in whole or in part, to the stewards, Racetrack Safety Committee, the National Stewards Panel, or an Arbitral Body, as the case may be, for further proceedings as appropriate; or

(4) Conduct further proceedings on the matter as appropriate, including but not limited to requiring the submission of written briefs or, in extraordinary circumstances and at the Board's discretion, the taking of additional testimony before the Board under oath.

(h) The Board may appoint a presiding officer to assist in regulating the orderly conduct of and presentation of evidence at a hearing in accordance with Rule 8340(i). The Board may also direct a presiding officer to issue in writing a hearing report at the conclusion of the hearing in accordance with Rule 8340(j).

(a) The Board shall issue its written decision based on the record and any further proceedings, testimony, or hearing report and exceptions thereto submitted in accordance with Rule 8340(k). If a hearing report and exceptions have been submitted, the Board's written decision shall in accordance with Rule 8340(l) include findings of fact, conclusions of law and the disposition of the matter including any penalty imposed. The Board shall not be bound by the timing provisions in Rules 8340(k) and (l) relating to the period for review and the issuance by the Board of its written decision. A copy of the Board's decision shall be served upon all parties by first class mail, electronic mail, or personal service.

# TAB 7

**HORSERACING INTEGRITY AND SAFETY AUTHORITY  
ACTION NO. 2023-00124**

IN RE: APPEAL OF DERRICK PARRAM

APPELLANT

---

**BRIEFING SCHEDULE ORDER**

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This matter arises under the jurisdiction of the Horseracing Integrity and Safety Authority (the “Authority”) established pursuant to the Horseracing Integrity and Safety Act (the “Act) at 15 U.S.C. § 3051, *et seq.*

On February 4, 2023, a stewards ruling was issued by Stewards at Laurel Park to Owner/Trainer Derrick Parram citing him for violation of Rule 2262(c)(5), voiding the claim of GIRLS LOVE ME and refunding all monies pertaining to the claim. Pursuant to Rule 8350, Appellant appealed the decision to the Board for review.

The Board convened a hearing to consider Appellant’s appeal remotely via Zoom on Wednesday, October 4, 2023 at 9:30 AM EDT. Attorneys Bryan H. Beauman and Rebecca C. Price appeared as counsel for the Authority.

Appellants were served with notice of the hearing on September 13, 2023 by email. Appellant Parram was represented by Attorney Richard Hackerman who appeared on his behalf. Additionally, Mr. Lou Ulman, claimant and owner of GIRLS LOVE ME, appeared before the Board at the hearing without representation.

Appellants and the attorneys for the Board were each given the opportunity to present testimony, evidence, and argument to the Board.

After hearing the evidence and deliberating upon the case, the Board directed the parties to submit written briefs on the following issues:

1. Whether the term “Prohibited Substance” in Rule 2262(c)(5) applies only to Prohibited Substances as defined in the Authority’s rules, or if the term also refers to relevant state law;
2. Whether the delay in voiding the claim affected the validity of the stewards’ ruling voiding the claim.

The Board hereby **ORDERS** that all briefing on these issues be submitted to the Board on or before November 10, 2023. Parties are not to exceed 10 typed, double-spaced pages in their submissions.

So **ORDERED** this 18th day of October, 2023.



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Charles P. Scheeler  
Chair, Board of Directors

**CERTIFICATE OF ISSUANCE**

Undersigned enforcement counsel certifies that on October 18, 2023, this Order was issued via email and first-class mail to:

Richard Hackerman  
[richard@richardhackerman.com](mailto:richard@richardhackerman.com)

Lou Ulman  
[ulmanlouis@gmail.com](mailto:ulmanlouis@gmail.com)  
10201 Wincopin Cir,  
Columbia, MD 21044



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Bryan Beauman  
Enforcement Attorney

# TAB 8



HORSERACING INTEGRITY AND SAFETY AUTHORITY  
Action No. 2023-00124

IN RE: APPEAL OF DERRICK PARRAM

APPELLANT

STATEMENT OF LOUIS ULMAN AND WALTER VIESER, II

1. Whether the term "Prohibited Substance" in Rule 2262(c)(5) applies only to Prohibited Substances as defined in the Authority's rules, or if the term also refers to relevant state law.

We do not believe that the term Prohibited Substance as set forth in Rule 2262(C)(5) applies only to Prohibited Substances as defined in the Authority's rules as a result of Prohibited Substances being capitalized or otherwise. We have attached a copy of page 5 of the Trainer Handbook published by the Authority in which the term prohibited substance is not capitalized in the void claim rule. We believe that the reference to prohibited substances includes state regulations.

The two drugs found in this horse are listed under Drug Prohibition under the applicable Maryland rule, COMAR 09.10.03.04(C).

Although the Authority medication violation rules were not in effect in January 2023, rule 2262 (c) (5) was in effect. The Authority's list of Prohibited Substances was published prior to that date. Accordingly, Trainer Parram was subject to both the Authority's definition of prohibited substances under its rule and trainer handbook in addition to being subject to the Maryland rules on prohibited substances.

The void claim rule was adopted, in part, to prevent a trainer from using excess medication in a horse and benefitting by losing the horse in a claim.

We understand that the Authority and its agents at the state level have consistently applied the void claim rules to prohibited substances as defined by the applicable state and/ or the Authority's rules.

2. Whether the delay in voiding the claim affected the validity of the Stewards' ruling voiding the claim.

The delay in voiding the claim did not affect the validity of the Stewards ruling. There is no time limit in the rule. For the Authority to impose a time limit would effectively modify the rule. We believe that such a modification would require compliance with the applicable FTC procedures.

In this matter, when Trainer Parram registered for HISA under 15 USC 3054(D)(2) he agreed to be subject to and comply with the HISA rules, etc. He knew or should have known that the claim was to be voided under the void claim rule and therefore, he should have requested the return of his horse on January 6, 2023.

My partner and I were not notified of the medication violation until the farm owner looked up the horse's history after it died. There was no published ruling by the Maryland Racing Commission. We are the only parties with no culpability in this matter. We did everything in the best interests of the safety and welfare of the horse and riders. We notified the Stewards as soon as we knew about the medication violation by Trainer Parram. We would have saved close to \$7000 in surgery and other expenses that we incurred in treating a chronic injury that should have been treated by the prior trainers.

If Trainer Parram's appeal is granted, he will greatly benefit after racing a horse with two medication violations.

Although we strongly believe that the Steward's ruling should be upheld, we urge you to have HISA make all parties in this matter whole through its funds. The Stewards are HISA agents under your agreement with the Maryland Racing Commission. Had they promptly voided the claim, this issue would not be before you.

Thank you for your time and consideration in this matter.



HORSERACING INTEGRITY  
AND SAFETY AUTHORITY

# HISA Trainer Handbook

Version 1.01

Published: June 29, 2022

**Responsible Persons' Records (see Rules 2252-53):**

Trainers are required to maintain a record of medical, therapeutic, and surgical treatments and procedures for every Covered Horse in his or her control. The records are not required to be submitted to HISA unless requested. The records for the previous 60 days must be made available for transfer to the new Trainer of a claimed Horse to optimize the care and health and welfare of the Horse.

**Note that Trainer records are limited to Trainer medical, therapeutic, and surgical treatment records (that is, training records are not included in this requirement).**

For purposes of this rule, treatment means:

- (1) the administration of any medication to a Horse by a Trainer or his or her designee; and
- (2) specifically excludes medications or procedures administered by a Veterinarian or that Veterinarian's employees.

Medical procedures include, but are not limited to, physiotherapy, acupuncture, chiropractic, and surgeries.

Optional templates for recording information are available on the [hisaus.org](http://hisaus.org) website.

**Note:**

**For Horses shipping in to race or work off the Vet's List after 30 days from a facility that is not under HISA's jurisdiction, Trainers must obtain 30 days of treatments and procedures.**

**Records for Horses Shipping to the Racetrack (see Rule 2253(a)):**

If a Horse is not stabled at a facility under the Authority's jurisdiction for the full 30 days prior to a Race or Workout for purposes of removal from the Veterinarians' List, the Trainer shall obtain a record of medical, therapeutic, and surgical treatments and procedures for that Horse for the previous 30 days.

Optional templates for recording information are available on the [hisaus.org](http://hisaus.org) website.

**Note:**

**For Horses shipping in to race or work off the Vet's List after 60 days (layup) from a facility that is not under HISA's jurisdiction, Trainers must also obtain the last 30 days of rehabilitation activities**

**Records for Horses Shipping to the Racetrack (see Rule 2253(b)):** If a Horse is not stabled at a facility under the Authority's jurisdiction for 60 days prior to a Race or Workout for purposes of removal from the Veterinarians' List, the Responsible Person shall also obtain the last 30 days of rehabilitation activities at the facility. The purpose of requiring this information is to help us understand what factors are associated with the high rate of catastrophic injuries that occur in Horses soon after return from layup. For this purpose, the information will be treated anonymously (Trainer, Horse, and layup/rehabilitation facility will not be disclosed).

Optional templates for recording information are available on the [hisaus.org](http://hisaus.org) website.

**New claiming rules****Void Claim Rule (see Rule 2262):**

Claims are voided if the Horse dies, is euthanized, Bled, is vanned off the Racetrack, or is later found to test positive for a prohibited substance. Additionally, all claimed Horses go to the test barn for observation by a Regulatory Veterinarian. If a Regulatory Veterinarian determines within 1 hour of the race that the Horse will be placed on the Veterinarians' List as Bled, physically distressed, medically compromised, unsound, or lame before the Horse is released to the successful claimant, the claim is void.

# TAB 9

**HORSERACING INTEGRITY AND SAFETY AUTHORITY  
ACTION NO. 2023-00124**

IN RE: APPEAL OF DERRICK PARRAM

APPELLANT

---

**HISA ENFORCEMENT COUNSEL'S POST-HEARING BRIEF**

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On February 9, 2023, the Laurel Park stewards voided the claim of GIRLS LOVE ME following a positive test for prohibited substances. Appellant Derrick Parram, the owner of GIRLS LOVE ME, appealed the stewards' decision to the Board who heard the appeal and requested additional briefing on the following issues:

1. Whether the term Prohibited Substances contemplated in Rule 2262(c)(5) only applies to Prohibited Substances as defined in the Authority's rules, or if the term has application to relevant state law?
2. Whether the delay in voiding the claim affected the validity of the Stewards' ruling voiding the claim?

First, the Laurel Park stewards properly voided the claim of GIRLS LOVE ME because the relevant HISA regulation had not yet preempted relevant state law on the prohibition of substances during thoroughbred racing and Maryland law prohibited the substances detected in GIRLS LOVE ME. Second, the one-month delay in voiding the claim had no legal or equitable effect on the validity of the Stewards' ruling. For these reasons, the Stewards' ruling should be affirmed.

**ARGUMENT**

**1. The term "Prohibited Substance" in HISA Rule 2262(c)(5) incorporated Maryland law at the time of the ruling.**

The Horseracing Integrity and Safety Act of 2020 (the "Act") recognized the Horseracing Integrity and Safety Authority, Inc. ("HISA") to implement a national, uniform set of integrity and

safety rules to be applied to thoroughbred racing participants. As part of this function, the Act allows HISA to promulgate regulations to carry out the mission of the Act. The Act states:

The rules of the Authority promulgated in accordance with this chapter shall preempt any provision of State law or regulation with respect to matters within the jurisdiction of the Authority under this chapter, as limited by subsection (j). Nothing contained in this chapter shall be construed to limit the authority of the Commission under any other provision of law.

15 U.S.C § 3954(b). “Accordingly, while State laws are preempted with respect to matters on which the FTC has approved and promulgated a final rule, State law will continue to regulate matters on which the FTC has not yet approved and promulgated a final rule.” Guidance of the Authority dated March 14, 2022.

HISA created the Racetrack Safety Program based on rules and regulations that the Federal Trade Commission (the “Commission”) approved on March 3, 2022. The Racetrack Safety Program went into effect on July 1, 2022. HISA subsequently created the Anti-Doping and Medication Control (“ADMC”) Program to regulate controlled and illicit substances administered to Covered Racehorses. The Commission approved the rules and regulations for the ADMC Program on March 27, 2023, and these rules became effective on May 22, 2023.

In the present matter, GIRLS LOVE ME raced in a claiming race on December 9, 2022 (the “Race”). After the Race, Maryland racing officials determined that GIRLS LOVE ME tested positive for a prohibited substance in post-race testing. The stewards at Laurel Park voided the claim of GIRLS LOVE ME on February 9, 2023. At all relevant times, the Racetrack Safety Program was in full effect, and the rules and regulations promulgated as part of the Racetrack Safety Program governed the claiming race in question in this appeal. At the time of the Race, the ADMC Program was not in effect and would not take effect for another three months.

Rule 2262, Void Claim, (the “Void Claim Rule”) is part of the Racetrack Safety Program and governs the voiding of claims in claiming races. The rule states in part, “A claim shall be voided, and ownership of the Horse retained by the original Owner if...the Horse has a positive test for a **Prohibited Substance.**” Rule 2262(c)(5) (emphasis added). HISA defines a Prohibited Substance as “any substance, or class of substances, so described on the Prohibited List.” Rule 2010, Definitions. The Prohibited List, codified in the ADMC Program, was not yet in effect at the time of the Race. Therefore, Maryland Regulations applied, and the Stewards properly voided the claim in accordance with state law.

The Void Claim Rule in effect at the time of the Race mandated the Stewards - without any discretion - to void a claim if a horse tested positive for a Prohibited Substance. *See* Rule 2262(c)(5). Because HISA had not yet promulgated its Prohibited List detailing the substances that it would treat as prohibited under the ADMC program, HISA had not yet preempted Maryland’s regulation of prohibited substances in thoroughbred racing. Only when the ADMC Program went into effect on May 22, 2023, did HISA preempt the states’ regulation of specific prohibited substances in thoroughbred racing.

At the time of the Race, Maryland law addressed prohibited substances. The Code of Maryland Regulations (“COMAR”) Section 09.10.03.04.B makes clear “a horse participating in a race may not carry in its body... a drug[.]” There is no dispute that GIRLS LOVE ME tested positive for Dexamethasone and Trichlormethiazide which Maryland defined as a prohibited drug. *See* COMAR 09.10.03.01.B(2)(c). Therefore, GIRLS LOVE ME tested positive for a Prohibited Substance in the jurisdiction in which the horse raced and violated COMAR with the presence of Dexamethasone and Trichlormethiazide in the horse during the Race.



Maryland regulations served as a stop gap to define the prohibited substances during thoroughbred racing in Maryland because the HISA Prohibited List was not yet promulgated and in effect. If Maryland regulations could not be a meaningful basis for determining what substances were prohibited in Maryland prior to the onset of the ADMC Program, the Void Claim Rule simply would have been a rule without any effect until the Prohibited List was promulgated.

Applying HISA's Void Claim Rule and using Maryland prohibited substances regulations in enforcing the rule, the Laurel Park stewards properly voided the claim of GIRLS LOVE ME. This enforcement fulfills the purpose of the Racetrack Safety Program and the Act's creation of a safe, fair environment for all thoroughbred racing participants.<sup>1</sup>

**2. The Stewards' timing in voiding the claim did not have a legal effect on the validity of the ruling.**

The Race occurred on December 9, 2022. See Attached Stipulation with Ruling at ¶ 1. On January 6, 2023, the stewards received the lab results alerting them to the presence of Dexamethasone and Trichlormethiazide in the horse's blood. *Id.* at ¶ 4. On January 8, 2023, the stewards held a hearing to disqualify GIRLS LOVE ME from the Race and redistribute the purse. *Id.* at ¶ 5. On the same day, the Laurel Park stewards issued a ruling disqualifying GIRLS LOVE ME from the race and the purse pursuant to COMAR 09.10.03.04. *Id.* Subsequently, on February 4, 2023, the stewards held a second hearing concerning GIRLS LOVE ME, this time to address the voiding of the claim. *Id.* at ¶ 10. On February 9, 2023, the stewards voided the claim pursuant to HISA Rule 2262(c)(5). *Id.* at 11. The delay between the January 8, 2023 hearing and the February 9, 2023 ruling had no legal effect on the validity of the stewards ruling.

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<sup>1</sup> The now in-effect HISA Prohibited List includes both Dexamethasone and Trichlormethiazide as Prohibited Substances, and presence of either substance in GIRLS LOVE ME would have resulted in the Laurel Park stewards voiding the claim of GIRLS LOVE ME had the ADMC Program been in effect at the time of the race.

The regulations comprising the Racetrack Safety Program are silent as to the procedure by which stewards are required to conduct hearings and issue rulings, particularly on matters arising from violations of both state and HISA regulations. Appellant argues that because the stewards did not address all possible rule violations in the January hearing that a subsequent hearing for GIRLS LOVE ME for a different rule violation or enforcement action is prohibited. Neither HISA Rules nor Maryland's racing regulations require such a conclusion. This situation is not akin to a claim of "double jeopardy" where a covered person would be sanctioned twice for the same rule violation involving cumulative and repetitive sanctions under both HISA rules and Maryland law which are only.

Instead, the Laurel Park stewards held two hearings on two distinct issues: a Maryland state regulation violation and a HISA Rule violation. Though both violations of Maryland and HISA regulations arise from GIRLS LOVE ME's positive test for Dexamethasone and Trichlormethiazide, the violations for which the stewards cited the Appellant were distinct. First, the ruling disqualifying GIRLS LOVE ME from the Race on January 8, 2023, was limited to COMAR 09.10.03.04 disqualifying the horse from its placement in the Race. As stated above, because the ADMC Program was not yet in effect, the stewards correctly issued a ruling based on Maryland's prohibited substances regulation, which is designed to protect the safety and wellbeing of every thoroughbred horse that raced in a Maryland jurisdiction.

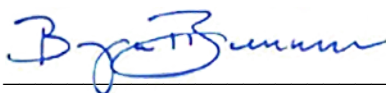
The second hearing that the stewards held on voiding the claim was based on a violation of the HISA Racetrack Safety Program Void Claim Rule. In the February 9, 2023, ruling on voiding the claim, the ruling is limited to HISA regulation and is silent on any mention of the stewards' previous disqualification of the horse pursuant to Maryland regulation. The hearings and rulings dealt with different violations arising from the same positive test. The Racetrack Safety

Program is silent on a mandate to require stewards to hold hearings on state and HISA violations simultaneously.

The stewards conducted two distinct hearings and issued two distinct rulings on two distinct violations that altered the rights of two distinct sets of affected parties. No equitable or legal principle prevented the Laurel Park stewards from conducting a hearing on the disqualification of GIRLS LOVE ME and a subsequent hearing on the voiding of the claim. In this case, the Stewards followed the mandate of Rule 2262(b)(5) and enforced the voided claim due to the horse testing positive for a Prohibited Substance. This case is simply about the Stewards enforcing the rules as they are written and addressing a previous oversight.

### CONCLUSION

The Board should uphold the Laurel Park stewards' ruling. At the time of the Race, HISA regulations had not preempted Maryland state regulations on prohibited substances. To properly apply the Void Claim Rule, the stewards correctly used Maryland prohibited substances regulations as the basis for voiding the claim. Further, the delay in voiding the claim after the disqualification of the horse from the Race did not violate the Appellant's legal or equitable rights.



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Bryan Beaman  
HISA Enforcement Attorney


**CERTIFICATE OF SERVICE**

I hereby certify that on November 10, 2023, I caused the foregoing Brief to be filed with the Horseracing Integrity and Safety Authority Board and served as follows:

Hon. John L. Forgy  
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Hon. Louis Ulman  
[ulmanlouis@gmail.com](mailto:ulmanlouis@gmail.com)  
Counsel and Claimant of GIRLS LOVE ME



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Bryan Beaman



**HORSERACING INTEGRITY AND SAFETY AUTHORITY  
ACTION NO. 2023-00124**

IN RE: APPEAL OF DERRICK PARRAM

APPELLANT

On February 10, 2023, Appellant Derrick Parram (“Parram”) filed an appeal of the Laurel Park Stewards’ (the “Stewards”) Ruling voiding the claim of GIRLS LOVE ME pursuant to Horseracing Integrity and Safety Authority (“HISA”) Rule 2262. The parties stipulate and agree as follows:

1. On December 9, 2022, Owner/Trainer Parram raced GIRLS LOVE ME in Race 3, a claiming race, at Laurel Park.

2. Louis J. Ulman and Walter Vieser, II claimed the horse on December 9, 2022.

3. Owners Ulman and Vieser raced GIRLS LOVE ME in Race 6 at Laurel Park on December 31, 2022. During the race, GIRLS LOVE ME suffered a knee injury.

4. On January 6, 2023, the Stewards received a Certificate of Analysis of the post-race blood sample taken from GIRLS LOVE ME on December 9, 2022. The Certificate alleged the presence of Dexamethasone and Trichlormethiazide in the horse’s blood at the time of the race on December 9, 2022.

5. The Stewards held a hearing with Owner/Trainer Parram on January 8, 2023, regarding the laboratory results. The Stewards issued Owner/Trainer Parram a Ruling with the following findings:

- (1) “Girls Love Me” did have Dexamethasone and Trichlormethiazide, in its system when she finished second in the third race at Laurel Park on December 9, 2022, a violation under COMAR 09.10.03.04,C;
- (2) Derrick Parram, as trainer, was the absolute insurer of, and responsible for, the condition of “Girls Love Me” at the time the horse ran (Sections D & F);



- (3) A horse found to have carried a drug in its body during a race may be disqualified and the purse monies earned by that horse redistributed and
- (4) An individual found to have violated these Regulations may be subject to a fine issued by the Stewards of up to \$2,500.00 and a suspension of any license issued by the Maryland Racing Commission of up to 360 days. COMAR 09.10.03.02, Section A.

Based upon the foregoing, the Stewards hereby order:

- (1) The Horse "Girls Love Me" be disqualified from the third race on December 9, 2022.
- (2) The Horsemen's Bookkeeper redistribute all purse monies for that race in accordance with the following order:
  - 1<sup>st</sup> Bigmancan
  - 2<sup>nd</sup> Nottoway
  - 3<sup>rd</sup> Yes Sir Robert
  - 4<sup>th</sup> Dr. Rusty Raymond
  - 5<sup>th</sup> The Cairo Kid
  - 6<sup>th</sup> He's a Shooter
  - 7<sup>th</sup> Pepe and Heywood

Girls Love Me-unplaced

A separate hearing was held to address the Multiple Medication Violation Point system. Trainer Derrick Parram will be assigned One (1) Multiple Medication Violation Point. (Comar 09.10,03.02 C)

BY ORDER OF THE STEWARDS

A complete copy of the ruling is attached hereto and incorporated herein.



6. On January 20, 2023, under the care of Owners Ulman and Vieser, GIRLS LOVE ME underwent knee surgery for the previously sustained racing injury. During the course of the horse's recuperation, the horse got colic.

7. GIRLS LOVE ME died on January 29, 2023, from complications of the post-surgery colic.

8. Neither the horse's injury nor death are related to the care, training or alleged drug positive while the horse was trained and owned by Derrick Parram.



9. On February 1, 2023, Trainer Dale Capuano contacted the Stewards via telephone to protest the claim of GIRLS LOVE ME after the horse died.

10. The Stewards conducted another hearing with Owner/Trainer Parram on February 4, 2023, regarding the claim of GIRLS LOVE ME from December 9, 2022.

11. The Stewards issued a Ruling on February 9, 2023, with the finding "that due to a positive test for a Prohibited Substance that according to HISA Rule 2262(c)(5) the claim of 'Girls Love Me' be voided and all monies pertaining to the claim be refunded. BY ORDER OF THE STEWARD." A complete copy of the Ruling is attached.



Have Seen and Agreed to:

<p>By: </p> <hr/> <p>Richard Hackerman, Attorney for Appellant Derrick Parram</p>
<p>By: </p> <hr/> <p>Bryan H. Beauman Rebecca Price Enforcement Counsel</p>

Approved this 13th day of June, 2023.

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Charles P. Scheeler,  
Chair of the Board



## MARYLAND RACING COMMISSION

300 East Towsontown Blvd.  
Towson, Maryland 21286

### STEWARDS RULING

January 8, 2023

TRACK: Laurel Park

STEWARDS: Adam Campola  
Ross R Pearce  
Russell G Derderian

#### RULINGS:

**#23-001** On January 6, 2023, the Stewards received notice from Industrial Laboratories that blood sample #E583930, dated December 9, 2022, contained the drugs **dexamethasone and trichlormethiazide**. The Stewards established that blood sample #E583930 was taken from the horse "**Girls Love Me**", owned and trained by Derrick Parram, following the running of the third race at Laurel Park on December 9, 2022. The Stewards notified Mr. Parram that: (1) the presence of dexamethasone and trichlormethiazide in the system of "**Girls Love Me**" at the time the horse ran constituted a violation under COMAR 09.10.03.04 Drug Prohibition - Horses; (2) he had the right to have the split sample tested by an independent laboratory prior to the Stewards conducting a hearing in this matter; and (3) he had the right to be represented by counsel at the hearing.

The Stewards held a hearing on January 8, 2023, wherein Mr. Parram waived his right to a split sample and legal counsel.

Based upon the evidence before them, the Stewards find the following:

- (1) "**Girls Love Me**" did have dexamethasone and trichlormethiazide, in its system when it finished second in the third race at Laurel Park on December 9, 2022, a violation under COMAR 09.10.03.04,C;
- (2) Derrick Parram, as trainer, was the absolute insurer of, and responsible for, the condition of "**Girls Love Me**" at the time the horse ran (Sections D & F);
- (3) A horse found to have carried a drug in its body during a race may be disqualified and the purse monies earned by that horse redistributed and
- (4) An individual found to have violated these Regulations may be subject to a fine issued by the Stewards of up to \$2,500 and a suspension of any license issued by the Maryland Racing Commission of up to 360 days. COMAR 09.10.03.02, Section A.

Based upon the foregoing, the Stewards hereby order:

- (1) The horse "**Girls Love Me**" be disqualified from the third race on December 9, 2022.
- (2) The Horsemen's Bookkeeper redistribute all purse monies for that race in accordance with the following order:

\_\_\_\_\_  
Administrative Steward

**MARYLAND RACING COMMISSION**  
300 East Towsontown Blvd.  
Towson, Maryland 21286

**STEWARDS RULING**

*OFFICIAL ORDER OF FINISH*

- 1<sup>st</sup> Bigmancan
- 2<sup>nd</sup> Nottoway
- 3<sup>rd</sup> Yes Sir Robert
- 4<sup>th</sup> Dr. Rusty Raymond
- 5<sup>th</sup> The Cairo Kid
- 6<sup>th</sup> He's a Shooter
- 7<sup>th</sup> Pepe and Heywood

Girls Love Me- unplaced

A separate hearing was held to address the Multiple Medication Violation Point system.  
Trainer Derrick Parram will be assigned One (1) Multiple Medication Violation Point.

**[Comar 09.10.03.02 C]**

**BY ORDER OF THE STEWARDS**

  
\_\_\_\_\_  
Administrative Steward

**MARYLAND RACING COMMISSION**

300 East Towsontown Blvd.  
Towson, Maryland 21286

**STEWARDS RULING**

**DATE:** February 9, 2023

**TRACK:** Laurel Park

**STEWARDS:** Adam Campola  
Ross R Pearce  
Russell G Derderian

**RULINGS:**

**#23-021** In the matter of the claim of the horse "Girls Love Me" from December 9, 2022;  
On February 4, 2023 the Stewards conducted a hearing with owner/trainer Derrick Parram about the claim of his horse "Girls Love Me". Mr. Parram waived his right to legal counsel at this time. The Stewards notified Mr. Parram that due to a positive test for a Prohibited Substance that according to HISA rule 2262 (c)(5) the claim of "Girls Love Me" be voided and all monies pertaining to the claim be refunded.  
BY ORDER OF THE STEWARDS

  
\_\_\_\_\_  
Administrative Steward

# TAB 10

HORSERACING INTEGRITY AND SAFETY AUTHORITY  
ACTION NO.: 2023-00124

IN RE: APPEAL OF DERRICK PARRAM

APPELLANT'S BRIEF

Now comes the Appellant, Derrick Parram, by his attorney, Richard J. Hackerman, and submits the foregoing brief in accordance with the Briefing Schedule Order dated October 18, 2023.

BACKGROUND

The horse of the Appellant, Derrick Parram known as "Girls Love Me" ran second in the third race on December 9, 2022. Girls Love Me was claimed on that day by Louis Ulman et al. The horse was re-entered by Mr. Ulman, et al and ran in Race 6 at Laurel Park on December 31, 2022.

On January 6, 2023 the Stewards were notified that Girls Love Me had tested positive for dexamethason and trichlormethiazide in its system on December 9, 2022. On January 8, 2023 a hearing (Hearing 1) was held before the stewards. Derrick Parram was found to be in violation of the Maryland laws under the Code of Maryland Regulations (hereinafter "COMAR") for a purported drug positive. Girls Love Me was placed last and the purse money from the race redistributed accordingly.

A second hearing (Hearing 2) was held on January 6, 2023. As a result of that hearing Mr. Parram was assigned One (1) point under the Multiple Medication Violation Point system. On January 20, 2023 Girls Love Me had surgery. On January 29, 2023 the horse passed away. Neither the horse's injury or death are related to the care, training or alleged drug positive while the horse was in the care of Mr. Parram. After the horse's death, on February 1, 2023 the trainer for Mr. Ulman complained to stewards via telephone to protest the claim.

Hearing 3 was conducted on February 4, 2023 in connection with the instant void claim charge, i.e, HISA Rule 2262(c)(5). On February 9, 2023 the Stewards voided the claim pursuant to the aforesaid HISA Rule and ordered a refund of the claim monies from Mr. Parram to Mr. Ulman, et al.

HISA Racetrack Safety Program rules went into effect on July 1, 2022. The HISA Anti-Doping and Medication Control Program rules went into effect on May 22, 2023, i.e., after the date of the purported drug positive.

Issue 1. "Whether the term "Prohibited Substance" in Rule 2262(c)(5) applies only to Prohibited Substances as defined in the Authority's rules, or if the term also refers to relevant state law." The term "Prohibited Substance is defined by HISA rules only, not any state law.

Rule 2262 provides: “(c) The claim shall be voided, and ownership of the Horse retained by the original Owner if: (5) the Horse has a positive test for a Prohibited Substance.” Rule 3010 provides: “(k) Unless specified otherwise, words and terms in the Protocol that are capitalized are defined terms that have the meaning given to them in Rule 1020.” As the term “Prohibited Substance” is capitalized, it is a defined term as set forth in Rule 1020. Therefore only substances prohibited by HISA rules in effect at the time of the purported violation may be considered.

Rule 1020 sets forth the following definitions:

“Prohibited List means the list identifying Prohibited Substances and Prohibited Methods set forth in the Rule 4000 Series. Prohibited Method means any method so described on the Prohibited List. Prohibited Substance means any substance or class of substances so described on the Prohibited List or the Technical Document—Prohibited Substances.” Pursuant to Rule 3010 the Prohibited List including Prohibited Substances and Prohibited Methods are defined by Rule 1020. The Prohibited List including Prohibited Substances are further explained in Rule 3110 which discusses the Prohibited List/Prohibited Substances/Prohibited Methods. This rule, like the definitional rules refer to the 4000 series Prohibited List/Prohibited Substances/Prohibited Methods.

Rule 3110 was not effective until May 22, 2023, long after the purported drug positive. Similarly the Rule 4000 Series Prohibited List, Prohibited Substances and Prohibited Methods were not effective until May 22, 2023.

Page 5076 Federal Register, Vol. 88, No. 17, January 26, 2023 provides:

c.” Terms of Substance: Rule Series 1000—General Provisions

The Protocol and other Series are supported by the general rules of interpretation (Rule 1010) and a list of defined terms (Rule 1020) to assist with clarity of meaning.

“d. Terms of Substance: Rule Series 4000—Prohibited List As directed by sections 3053 and 3055 of the Act, the Authority has developed a list of permitted and prohibited medications, substances, and methods ...”

Moreover Rule 3010 (a) provides:

“The Horseracing Integrity and Safety Act of 2020 (“Act”) mandates and empowers the Horseracing Integrity and Safety Authority (“Authority”) to establish a uniform anti-doping and controlled medication program to improve the integrity and safety of horseracing in the United States (“Program”). Of note the Act does not permit states to establish their own program because otherwise there would be no uniform

anti-doping program if each state has its own prohibited drug list. Rule 3110 explains the prohibitions attached to the HISA terms “ Prohibited List, Prohibited Substances and Prohibited Methods.” Of note the first letter of each word in that rule is also capitalized and there is no reference to Maryland Law or any other state’s law.

As set forth in the Rule Series 4000 Prohibited List: “In preparing the Prohibited List and the “Technical Document—Prohibited Substances,” the Authority considered lists of prohibited substances and methods published by other organization ...” Conspicuous by its absence is any list compiled by the State of Maryland. (See page 5077 Federal Register, Vol. 88, No. 17, January 26, 2023.)

The enacting Federal Legislation of HISA, USC Title 15, CH57A, Section 3054(k) provides that the rules shall have prospective effect only and that the authority may not deal with drug violations that occur prior to the effective date of the drug rules. The Act provides:

“ Limitations on authority

(1) Prospective application

The jurisdiction and authority of the Authority and the Commission with respect to the horseracing anti-doping and medication control program and the racetrack safety program shall be prospective only.

(2) Previous matters

(A) In general The Authority and the Commission may not investigate, prosecute, adjudicate, or penalize conduct in violation of the horseracing anti-doping and medication control program and the racetrack safety program that occurs before the program effective date.

(B) State racing commission With respect to conduct described in subparagraph (A), the applicable State racing commission shall retain authority until the final resolution of the matter.”

Moreover the HISA regulations have transitional Provisions established to prevent issues such as the one that exists in the instant case. Rule 3080(a) provides:

“The Protocol shall not apply retroactively to matters pending before the Program Effective Date.” Similarly 3080(d) provides that changes to the Prohibited List are not to be applied retroactively.

HISA also set a hard “Program Effective Date”, defined by HISA (Rule 1010) as “the date on which the Commission approves the proposed rule.”

Similarly Rule 3010(g) provides:

“The Protocol comes into force on the Program Effective Date and will apply in full as from that date. In accordance with section 3054(k)(1) of the Act, the Protocol only has prospective effect, i.e., it does not apply to, and

does not give the Authority or Agency authority to investigate, prosecute, adjudicate, or penalize conduct that occurred before the Program Effective Date (Rule 3080).”

While the definitions set forth in Rule 1020 and the Rule at issue (Rule 2262) went into effect on July 1, 2022, the Anti Doping rules of HISA including Rule 3110 and the 4000 series rules were effective as of May 22, 2023, i.e., after the date of the subject purported positive. The drug rules have no retroactive effect. Mr. Parram therefore did not violate Rule 2262(c)(5) because he did not violate any HISA drug rules in effect on December 9, 2022. There is nothing in the rules that provides that the Maryland equine drug rules are to be used in interpreting Rule 2262. State equine drug rules vary nationally. The use of any state’s laws, particularly a state’s drug laws in interpreting Rule 2262 would inevitably lead to inconsistent results nationally which is exactly what HISA was designed to prevent. HISA was designed to create a clear one size fits all approach to issues of integrity in horseracing.

Issue 2. Whether the delay in voiding the claim affected the validity of the stewards’ ruling voiding the claim. The delay in voiding the claim nullifies the stewards’ ruling voiding the claim.

There were a multitude of delays, required deadlines missed and a lack of consistent prosecution of the purported offense which mandates the reversal of the February 9, 2023 ruling by the stewards.

Delay 1: There was the delay in obtaining the drug result which permitted the re-entry of the horse after the claim of Girls Love Me. It took 27 days for the drug analysis to be received after the 12/10/22 race in which Girls Love Me was claimed which was sufficient time for the new owners of Girls Love Me to enter her in the December 31, 2022 race at Laurel Park. The delay in obtaining the drug result was no fault of Mr. Parram. It was the fault of the Stewards, the Maryland Racing Commission, HISA, the laboratory that did the drug analysis or a combination of all. In the end this delay permitted the re-entry of the horse and the effort by Mr. Ulman et al to force Mr. Parram to take the horse back after her death.

The Stewards are guilty of laches. In Liddy v. Lamone, 919 A. 2d. 1276, 398 Md. 233 (2007) the Court opined: that laches "applies when there is an unreasonable delay in the assertion of one's rights and that delay results in prejudice to the opposing party. Id at 1284.



Had the drug result been promptly made available the claim (if appropriate pursuant to Issue 1) would have been voided and Mr. Ulman, et al would not have been able to enter the horse and the entire series of events which lead to the death of Girls Love Me may not have occurred. Mr. Parram was prejudiced and suffered consequences as result of the drug result delay though he bears no responsibility for the delay. The stewards which oversee Maryland racing bear the ultimate responsibility for equine drug testing.

Similarly the doctrine of equitable estoppel nullifies the Stewards void claim ruling.

"The basis of equitable estoppel is the effect of the conduct of one party on the position of the other party. See Travelers v. Nationwide, 244 Md. 401, 414, 224 A.2d 285, 293 (1966). The estopped party is therefore "absolutely precluded both at law and in equity, from asserting rights which might perhaps have otherwise existed... against another person, who has in good faith relied upon such conduct, and has been led thereby to change his position for the worse and who on his part acquires some corresponding right, either of property, of contract, or of remedy." Cunninghame v. Cunninghame, 364 Md. 266, 289, 772 A.2d 1188, 1201 (2001). The doctrine of equitable estoppel is properly invoked where the enforcement of the rights of one party would work an injustice upon the other party due to the latter's justifiable reliance upon the former's words or conduct. Kosakow v. New Rochelle Radiology Associates, PC, 274 F. 3d 706 - Court of Appeals, 2nd Circuit 2001.

The conduct of all parties involved in this case but Mr. Parram has placed Mr. Parram in the untenable position of being forced to buy back a deceased horse though he shares no blame for the time consuming drug testing process nor the running and caring for Girls Love Me by Mr. Ulman, et al. These series of actions bar the stewards from voiding the claim pursuant to the doctrine of equitable estoppel.

Delay 2: The failure to object to the validity of the claim in writing and to timely object to the validity to the claim:

The Code of Maryland Regulations (hereinafter "COMAR") Section. 09.10.01.35 A. provides:

“All objections shall be made to the stewards by the objector. Objections that are not claims of interference shall be in writing and signed by the objector.” The objection by Mr. Capuano was not in writing nor signed and was therefore invalid.

Moreover COMAR Section 09.10.01.35 I. provides:

“Grounds for Objections.

(1) Objections shall be received by the stewards within 48 hours, exclusive of Sundays, after the close of a race meeting, based on these grounds:

(a) Misstatement, omission, or error in the entry under which a horse has run; (b) That the horse which ran was not the horse he was represented to be at the time of entry, or that his age was erroneously given; (c) That he was not qualified under the conditions of the race; (d) That he was run without regard to the rules of partnership or registration.

(2) In all other cases, objections shall be received by the stewards within 48 hours, exclusive of scheduled dark days, of the incident in question.”

The objection lodged by Mr. Capuano on behalf of Mr. Ulman et al was not lodged within 48 hours of the incident in question as required by COMAR Section 09.10.01.35 I.(d)(2). The objection was lodged 53 days after the day the horse was claimed, 26 days after the positive test result and 24 days after the Stewards Hearings and Rulings on January 8, 2023. Thus the objection was not timely and should not have been entertained by the Stewards.

To state the obvious, Mr. Capuano only complained to the Stewards after the death of Girls Love Me in an effort to shift the expense for the horse to Mr. Parram after the horse had no value to him and his clients. Mr. Ulman made an inadmissible non-under oath statement at the hearing that he was not aware of the positive finding after Hearings 1 and 2 referenced above and that the results of the hearings were not posted on the Maryland Racing Commission website. While it is not known whether or not this statement is correct, Mr. Ulman, the former chairman of the Maryland Racing Commission perhaps more any other possible interested party knew or should have the known of the rulings of the Maryland Racing Commission. If the result was not posted it certainly was not Mr. Parram’s fault and to the extent fault is an issue it would fall at the door of the Maryland Racing Commission, its current board and perhaps its prior board members of which Mr. Ulman was Chairman.

Delay 3. The stewards had the power to exclude the new owners from running the horse

in the December 31, 2022 race pursuant to COMAR Section. 09.10.01.45 (BB) but failed to do so. That Section provides:

“When the ownership of any horse entered in a race is in dispute, the stewards may not permit the horse to run in the race unless, and until, its ownership is definitely established to their satisfaction”.

In this case (if the void claim rule applies), the new connections should not have been permitted to enter the horse until the drug result of the race in which she was claimed was available. The ownership of the horse is unclear at best (if the void claim rule applies). Only a licensed owner can enter a horse in a race. In the instant case the new owners of the horse assumed the risks attendant with the entering, running and training a thoroughbred horse which risks include injury or death. If the stewards had not permitted the entry by Mr. Ulman et al in the race on December 29, 2022 the injury may not have occurred and we would not be left with a situation where the connections of a deceased horse are trying to force the repurchase of a deceased horse by the old owner though the old owner bears no responsibility for the unfortunate death of the horse.

Delay 4. The failure to bring the HISA void claim issue at Hearing 1 or even Hearing 2 conducted the same day.

At Hearing 3 conducted on February 4, 2023 the void claim charge was first brought. While Mr. Parram was advised of his right to a split sample at Hearing 1, he was given no such opportunity at Hearing 3 though the consequences of the purported drug positive were far more serious. Moreover it was too late to request a split sample because the finding of the drug positive was final after Hearing 1 when no timely appeal was filed. The delay in prosecuting the void claim charge prejudiced Mr. Parram as had he been advised of the potential penalty of a voided claim he may have exercised his right for a split sample at Hearing 1. As a result of the foregoing the potential for a negative result was therefore lost to Mr. Parram.

Hearing 1 and Hearing 2 were conducted on January 8, 2023 with the regard to the instant purported drug positive. COMAR Section 09.10.03.02 provides a multitude of potential sanctions available to the Stewards:

“In addition to a specific sanction applicable to a particular violation, an individual found by the:  
A. Stewards or judges to have violated a provision of this chapter may be subject to:

(1) A fine of up to \$2,500; (2) The suspension of any license issued by the Commission for a period of up to 360 days; and (3) Referral to the Commission for additional sanctions if the stewards or judges determine that a greater sanction is warranted than they are empowered to impose; and

B. Commission to have violated a provision of this chapter may be subject to:

(1) A fine of up to \$5,000; (2) The suspension or revocation of any license issued by the Commission; and “

Similarly COMAR Section 09.10.01.45. provided a variety of additional sanctions available to the Stewards, including:

”V. Violations.

(1) If the stewards find that an individual licensed by the Commission has violated a regulation of the Commission or has been involved in any improper turf practice, they may:

(a) Exclude the individual from the grounds, or any portion of the grounds, of the association conducting the meeting; (b) Exclude the individual from the grounds of any association under the jurisdiction of the Commission; (c) Suspend the license of the individual to act or ride for a period not exceeding 90 days; (d) Fine the individual not more than \$2,500; or (e) Impose any combination of the sanctions set forth in §V(1)(a)------(d) of this regulation.

(2) If the stewards consider that the violation merits sanctions beyond those permitted under §V(1) of this regulation, they shall promptly refer the matter to the Maryland Racing Commission, which shall institute proceedings against the individual as set forth under COMAR 09.10.04.05.

(3) The stewards shall have the power to suspend the license of the individual pending action by the Commission.

(4) In determining the penalty to be imposed, the stewards shall consider the:

(a) Seriousness of the violation; (b) Harm caused by the violation; (c) Good faith or lack of good faith of the licensee; and (d) Licensing history of the licensee.

(5) A person licensed by the Commission who is fined, excluded from the grounds, or disciplined by the stewards may appeal to the Maryland Racing Commission from the stewards' ruling.

W. If any case occurs which is not, or which is alleged not to be, provided for by these rules, it shall be determined by the stewards in such manner as they think just and conformable to the usages of the turf.”

The void claim charge as well an assortment of sanctions were available to the Stewards at Hearings 1 and 2. The Stewards determined which charges and sanctions to bring at Hearings 1 and 2. It is unlawful to add new charges and seek new sanctions after Hearings 1 and 2 took place and the rulings were final. As the void claim issue should have been raised and litigated at Hearings 1 and 2 which involved the same alleged drug positive, the doctrines of collateral estoppel, res judicata, laches, equitable estoppel and election of remedies bar the re-litigation of this issue.

In Janes v. State, 350 Md. 284, 711 A.2d 1319 (1998), the Maryland Court of Appeals stated that: Collateral estoppel, or issue preclusion, began life and retains life as a common law doctrine. A common and well-established articulation of the doctrine is that "[w]hen an issue of fact or law is actually litigated and determined by a valid and final judgment, and the determination is essential to the judgment, the determination is conclusive in a subsequent action between the parties, whether on the same or a different claim." Murray International v. Graham, 315 Md. 543, 547, 555 A.2d 502, 504 (1989), quoting from RESTATEMENT (SECOND) OF JUDGMENTS, § 27 (1982). The functions of this doctrine, and the allied doctrine of res judicata, are to avoid the expense and vexation of multiple lawsuits, conserve judicial resources, and foster reliance on judicial action by minimizing the possibilities of inconsistent decisions. Graham, supra, 315 Md. at 547, 555 A.2d at 504, citing Montana v. United States, 440 U.S. 147, 153-54, 99 S.Ct. 970, 973-74, 59 L.Ed.2d 210, 217 (1979). *Id.* at 1325.

The Court in MPC, Inc. v. Kenny, 279 Md. 29, 367 A. 2d. 486 (1977) stated: "The delineation between res judicata and collateral estoppel was expressed in Sterling v. Local 438, 207 Md. 132, 140-41, 113 A.2d 389, cert. denied, 350 U.S. 875 (1955)."

"... If the second suit is between the same parties and is upon the same cause of action, a judgment in the earlier case on the merits is an absolute bar, not only as to all matters which were litigated in the earlier case, but as to all matters which could have been litigated [res judicata]. If, in a second suit between the same parties, even though the cause of action is different, any determination of fact, which was actually litigated in the first case, is conclusive in the second case [collateral estoppel]." In short a judgment between the same parties and their privies is a final bar to any other suit upon the same cause of action and is conclusive, not only as to all matters decided in the original suit, but also as to matters that could have been litigated in the original suit. Lockett v. West, 914 F.Supp. 1229 (D.Md.1995).

The doctrines of collateral estoppel and res judicata apply not just under Maryland Law but in Federal Administrative decisions. In Mervin v. FTC, 591 F. 2d 821 (1978), the Court ruled: "Principles of res judicata prevent relitigation not only on the grounds or theories actually advanced, but also on those which could have been advanced in the prior litigation". *Id.* at 830. Similarly the Supreme Court in United States v. Utah Constr. & Mining Co., 384 US 394 (1966).

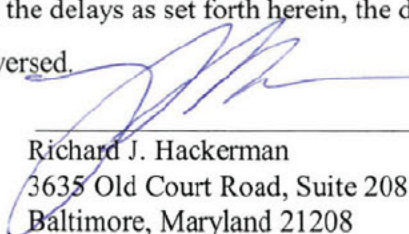
ruled “When an administrative agency is acting in a judicial capacity and resolves disputed issues of fact properly before it which the parties have had an adequate opportunity to litigate, the courts have not hesitated to apply res judicata to enforce repose”. Id at 422.

The void claim charge brought late by the Stewards is also barred by the doctrine of election of remedies as involves the same matter and the same nucleus of facts and is therefore barred. See Norma Guerra v Andrew Cuomo, Secretary, Department of Housing and Urban Development, 176 F. 3<sup>rd</sup> 547 (1999).

The Stewards are also guilty of laches in bringing the void claim charge. There was no reason for the delay. Mr. Parram lost his right to a split sample. Similarly the doctrine of equitable estoppel bars the void claim charge due to the delay and the prejudice to Mr. Parram who relied on the fact that he would not face multiple hearings for one alleged drug positive.

#### CONCLUSION

Only a licensed owner can enter a horse in a race. In the instant case the new owners of the horse assumed the risks attendant with the entering, running and training a thoroughbred horse which risks include injury or death. The unfairness of this situation was acknowledged by Mr. Ulman at the hearing on October 4, 2023 when he suggested that HISA, not Mr. Parram should pay the cost of the claim to him and his partner in the horse. Due to the different effective dates of the HISA rules and the delays as set forth herein, the decision to void the claim rendered by the Stewards must be reversed.



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cc: Bryan Bauman, Esquire  
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John Forgy, Esquire  
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Mr. Walter Vieser

# TAB 11



**HORSERACING INTEGRITY AND SAFETY AUTHORITY  
ACTION NO. 2023-00124**

IN RE: APPEAL OF DERRICK PARRAM

APPELLANT

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**DECISION ON APPEAL**

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This matter arises under the jurisdiction of the Horseracing Integrity and Safety Authority (the “Authority”), established pursuant to the Horseracing Integrity and Safety Act (the “Act) at 15 U.S.C. § 3051, *et seq.*

Appellant Derrick Parram raced GIRLS LOVE ME in a claiming race at Laurel Park on December 9, 2023. The horse was claimed by Louis J. Ulman and Walter Vieser, II. On January 6, 2023, the Laurel Park stewards received notice from Industrial Laboratories that the analysis of a post-race blood sample taken from GIRLS LOVE ME after the race confirmed the presence of Dexamethasone and Trichlormethiazide in the horse's blood on the day of the race. On January 8, 2023, the stewards conducted a hearing concerning the laboratory findings. Appellant attended the hearing. At the conclusion of the hearing, the stewards issued a ruling disqualifying GIRLS LOVE ME from the race and redistributing the purse pursuant to Maryland rules of racing (COMAR 09.10.03.04.). The stewards at this time inadvertently failed to address and implement the terms of HISA Rule 2262(c)(5), which requires that a claim be voided if a Covered Horse has a positive test for a Prohibited Substance.

GIRLS LOVE ME underwent surgery for a knee injury on January 20, 2023. While recuperating from the surgery, GIRLS LOVE ME developed colic and died on January 29, 2023. On or about February 1, 2023, Mr. Ulman's trainer, Dale Capuano, contacted the Laurel Park stewards by telephone to request that the claim be voided, pursuant to HISA Rule 2262. The stewards, now alerted to the oversight, conducted a hearing with Appellant on February 4, 2023, regarding the claim. On February 9, 2023, the stewards issued a ruling citing Appellant Parram for violation of Rule 2262(c)(5), voiding the claim of GIRLS LOVE ME, and ordering that all monies pertaining to the claim be refunded. Pursuant to Rule 8350, Appellant appealed the ruling to the Board for review.

The Board convened a hearing to consider Appellant's appeal remotely via Zoom on Wednesday, October 4, 2023, at 9:30 AM EDT. Attorneys Bryan H. Beaman and Rebecca C. Price appeared as counsel for the Authority. Appellant was served with notice of the hearing on September 13, 2023, by email, and Appellant was represented by Attorney Richard Hackerman, who appeared on his behalf. Additionally, Mr. Lou Ulman, claimant, appeared before the Board at the hearing without representation.

At the hearing, the Board heard argument from Mr. Hackerman, HISA attorney Bryan Beaman, and Mr. Ulman. The Board then directed the parties to submit written briefs on two legal issues:

1. Whether the term "Prohibited Substance" in Rule 2262(c)(5) applies only to Prohibited Substances as defined in the Authority's rules, or if the term also refers to relevant state law;

2. Whether the delay in voiding the claim affected the validity of the stewards' ruling voiding the claim.

The facts relevant to this appeal are not in dispute, and therefore the resolution of Appellant's case turns instead on the legal issues. The Board's rulings on these issues are set forth in turn.

**1. The term "Prohibited Substance" as set forth in HISA Rule 2262(c)(5) was properly defined by Maryland law at the time of the race.**

The Act establishes the Authority and charges the Authority with establishing, implementing, and enforcing an anti-doping and medication control program and a racetrack safety program applicable to all thoroughbred racing participants. To fulfill this mission, the Act directs the Authority to promulgate a uniform set of rules for these programs, to be administered nationally. The Authority developed the Racetrack Safety Program to regulate a range of racing safety matters. The Federal Trade Commission (the "Commission") approved the rules for the Racetrack Safety Program on March 3, 2022, and the rules went into effect on July 1, 2022. The Authority subsequently created the Anti-Doping and Medication Control ("ADMC") Program to regulate controlled medications and illicit banned substances administered to Covered Racehorses. The Commission approved the rules for the ADMC Program on March 27, 2023, and these rules became effective on May 22, 2023.

In specifying the extent of the Authority's jurisdiction over racing, the Act addresses federal preemption of state law as follows: "The rules of the Authority promulgated in accordance with this chapter shall preempt any provision of State law or regulation with respect to matters within the jurisdiction of the Authority under

this chapter, as limited by subsection (j). Nothing contained in this chapter shall be construed to limit the authority of the Commission under any other provision of law.”

15 U.S.C § 3054(b). The Authority provided further detail concerning preemption of state law in Guidance filed with the Commission on March 14, 2022: “Accordingly, while State laws are preempted with respect to matters on which the FTC has approved and promulgated a final rule, State law will continue to regulate matters on which the FTC has not yet approved and promulgated a final rule.” *See* Guidance of the Authority filed March 14, 2022.

Rule 2262, Void Claim, is part of the Rule 2000 Racetrack Safety Program and governs the voiding of claims in claiming races. The rule states in part, “A claim shall be voided, and ownership of the Horse retained by the original Owner if...the Horse has a positive test for a **Prohibited Substance**.” Rule 2262(c)(5) (emphasis added). Rule 2010 (“Definitions”) defines a Prohibited Substance as “any substance, or class of substances, so described on the Prohibited List.” The Prohibited List, codified in the ADMC Rule 4000 Series, was not yet in effect at the time of the race.

Rule 2262(c)(5) requires the stewards to void a claim if a horse tests positive for a Prohibited Substance. The rule is mandatory and not discretionary. *See* Rule 2262(c)(5). Because the Authority had not yet promulgated the Prohibited List detailing the substances that would be classified as prohibited under the ADMC program, HISA had not yet preempted Maryland’s regulation of prohibited substances in thoroughbred racing. Therefore, Maryland regulations applied. Only when the ADMC Program went into effect on May 22, 2023, did the Authority’s rules

preempt the states' regulation of specific prohibited substances in thoroughbred racing.

At the time of the race, Maryland regulations addressed prohibited substances. The Code of Maryland Regulations ("COMAR") in COMAR 09.10.03.04 ("Drug Prohibition – Horses") makes clear in Section B that "a horse participating in a race may not carry in its body... a drug[.]" There is no dispute that GIRLS LOVE ME tested positive for Dexamethasone and Trichlormethiazide which Maryland law defines and penalizes as prohibited drugs. *See* COMAR 09.10.03.01.B(2)(c) and 09.10.03.04.C. GIRLS LOVE ME tested positive for the prohibited substances Dexamethasone and Trichlormethiazide in violation of the Maryland rules of racing.

To hold that Maryland regulations did not specify those substances prohibited in Maryland prior to implementation of the ADMC Program would mean that Rule 2262 had no legal effect until the Prohibited List became effective on May 22, 2023. Such a result does not comport with the intent of Congress to establish and effectively regulate a program ensuring a safe and fair environment for all thoroughbred racing participants. The void claim rule, as part of that program, is a crucial guarantor of horse safety that penalizes the running of a Covered Horse with prohibited substances in its system.

Applying Rule 2262(c)(5) as supplemented by Maryland's prohibited substance regulations, the Board holds that Laurel Park stewards properly voided the claim of GIRLS LOVE ME.

**2. The Stewards' delay in voiding the claim did not affect the validity of the ruling.**

Appellant argues that because the stewards did not address the voided claim rule violation in the first hearing on January 8, 2023, the stewards were precluded from conducting a second hearing on the matter and issuing a ruling voiding the claim. Neither the rules of the Authority or the Maryland racing regulations support this conclusion. The Laurel Park stewards held two hearings on two distinct issues: a Maryland state regulation violation concerning prohibited substances, and a HISA Rule 2262 violation resulting in the voided claim. Though the violations of Maryland and HISA regulations arise from GIRLS LOVE ME's positive test for Dexamethasone and Trichlormethiazide, the violations for which the stewards cited the Appellant were distinct. The first ruling, which disqualified GIRLS LOVE ME from the Race on January 8, 2023, was based upon a Maryland rule of racing (COMAR 09.10.03.04) that provides for disqualification of a horse from a race due to a positive drug finding. The second hearing was held to adjudicate the voiding of the claim based on a violation of the HISA 2262 void claim rule. The ruling issued after that hearing cites HISA Rule 2262 and does not reference the Maryland drug prohibition rules underlying the stewards' previous disqualification of the horse. The hearings and rulings dealt with different violations arising from the same positive test.

The HISA rules do not require stewards to hold hearings on state and HISA violations simultaneously. Further, the weighty considerations embodied in the principles of res judicata and collateral estoppel, which bar the re-litigation of claims and issues in multiple lawsuits and complex administrative cases, are not properly

applicable to the comparatively simple matter of imposing sanctions in two successive stewards' hearings to cure an oversight in the first hearing. Neither does this case invoke double jeopardy considerations, as would be the case if multiple and repetitive sanctions for the violation of a single rule were imposed upon on Appellant. In this case, separate sanctions were properly imposed for the violation of two separate rules.

Appellant argues that the doctrine of laches precludes the voiding of the claim. As cited by Appellant, laches “applies when there is an unreasonable delay in the assertion of one’s rights and that delay results in prejudice to the opposing party.” Liddy v. Lamone, 919 A.2d 1276, 398 Md. 233 (2007). Appellant asserts that the 27-day period which transpired pending the completion of the laboratory post-race testing analysis was unreasonable. Invoking the doctrine of equitable estoppel, Appellant similarly maintains that he was placed by the conduct of the parties in the “untenable position of being forced to buy back a deceased horse though he shares no blame for the time-consuming drug testing process nor the running and caring for Girls Love Me by Mr. Ulman, et. al.” See Appellant’s Brief at age 5. The rules applicable to this case did not impose a time limit on the completion of the analysis, and the Board takes judicial notice that the 27-day period was not an unreasonably long period when measured against industry standards. It was not “prejudicial” to Appellant that the claim was voided as a consequence of the positive test for prohibited substances; put simply, the claim was voided pursuant to proper application of Rule 2262. Further, it is a well-established principle that persons who request equitable relief “must come with clean hands.” Precision Instrument Mfg. Co.

v. Automotive Maintenance Machinery Co., 324 U.S. 806, 65 S.Ct. 993, 89 L.Ed. 1381 (1945). In accordance with this principle, and given the specific facts and circumstances of this case, the Appellant's prohibited substance violation precludes him from obtaining equitable relief.

Appellant argues that Mr. Capuano failed to lodge a timely written objection concerning the failure to void the claim; this failure, according to Appellant, precludes the stewards from taking action to void the claim. Appellant misunderstands the nature of an objection. State racing rules typically do require that objections to certain matters pertinent to a race be raised in writing and within a specified time. Such matters include, for example, a contention that a horse or jockey is ineligible to run in a race, a misstatement or omission in the entry information under which a horse is to run, or a foul that occurs during the running of the race. Such matters are often required to be brought to the attention of the stewards promptly and in writing to allow the stewards to investigate and determine the facts of the matter within a reasonable time. In this appeal, however, no factual matter required investigation. Instead, the stewards merely imposed a penalty pursuant to established rules after discovering a previous oversight. The stewards may properly rectify an oversight regardless of how or in what form the matter comes to their attention.

The Board holds that the delay in voiding the claim after the disqualification of the horse from the race did not violate the Appellant's legal or equitable rights or invalidate the stewards' ruling voiding the claim. The stewards addressed an oversight and followed the mandate of Rule 2262(b)(5), voiding the claim based upon



a positive test for a Prohibited Substance. No improper or unfair penalty was imposed upon Appellant.

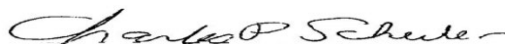
The standard of review is set forth in Rule 8350(f): “Upon review of the decision which is the subject of the appeal, the Board shall uphold the decision unless it is clearly erroneous or not supported by the evidence or applicable law.” The Board finds that the stewards’ ruling in this case is not clearly erroneous and is supported by the evidence and applicable law. The Board therefore **AFFIRMS** the stewards’ ruling voiding the claim.

This decision is the final decision of the Authority pursuant to 5 U.S.C. § 3058.

### **APPEAL RIGHTS**

Pursuant to 15 U.S.C. § 3058(b), an Appellant may appeal the civil sanction imposed by this decision to the Federal Trade Commission within 30 days of the Authority’s submission to the Federal Trade Commission of notice of the civil sanction. The Authority will provide notice of this decision to the Federal Trade Commission on the date that this decision is issued to the Appellant.

So **ORDERED** this 14th day of December, 2023.



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Charles P. Scheeler  
Chair, Board of Directors

**CERTIFICATE OF ISSUANCE**

Undersigned enforcement counsel certifies that on December 14, 2023, this

Decision on Appeal was issued via email and first-class mail to:

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/s/ John Forgy  
\_\_\_\_\_  
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# TAB 12

**NOTICE TO FEDERAL TRADE COMMISSION OF FINAL CIVIL  
SANCTION IMPOSED BY THE HORSERACING INTEGRITY AND  
SAFETY AUTHORITY UNDER 15 U.S.C. § 3057(d)**

Pursuant to 15 U.S.C. § 3058, this document shall constitute notice of a final civil sanction imposed under 15 U.S.C. § 3057(d) by the Horseracing Integrity and Safety Authority (“HISA”) on the following Covered Persons resulting from a violation of a HISA rule:

Covered Person(s)/Appellant(s)	Action Number	Rule(s) Violated	Final Civil Sanction
Derrick Parram	2023-00124	HISA Rule 2262(c)(5)	HISA Decision on Appeal affirming stewards ruling which voided the claim of GIRLS LOVE ME due to a positive test for a Prohibited Substance

Contact information for the HISA employee responsible for communications regarding review of the civil sanction is:

John Forgy  
Counsel to HISA  
830 Vermillion Peak Pass  
Lexington, KY 40515  
(859)-940-1215  
[johnforgy1@gmail.com](mailto:johnforgy1@gmail.com)

**Proof of Service**

I hereby certify that on December 14, 2023, pursuant to Federal Trade Commission Rule of Practice §4.4(d), I transmitted this HISA Civil Sanction Notice via email to Mr. Richard Hackerman, counsel for Derrick Parram, at the email address [richard@richardhackerman.com](mailto:richard@richardhackerman.com).

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Counsel to HISA  
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Email: johnforgy1@gmail.com

/s/ John Forgy

\_\_\_\_\_  
John L. Forgy  
Counsel to HISA

# TAB 13

**UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
MATTER NO.**

IN THE MATTER OF:  
DERRICK PARRAM APPELLANT

HISA ACTION NO.: 2023-00124

**NOTICE OF APPEAL, APPLICATION FOR REVIEW  
AND  
REQUEST FOR STAY**

Pursuant to 15 U.S.C. §3051 et seq., including §3058, 5 U.S.C. §556 et seq., and 16 CFR §1.145 et seq., including CFR §1.146, aggrieved Appellant Derrick Parram gives notice that he hereby appeals the December 14, 2023 decision which affirmed the Laurel Park stewards' sanctions voiding the claim of the thoroughbred horse named Girls Love Me by Louis J. Ulman and Walter Vieser, II from a horse race which occurred at Laurel Park on December 9, 2022 and ordering that all monies pertaining to the claim be refunded. Copies of the Decision on Appeal and Notice to Federal Trade Commission of Notice of Final Civil Sanction imposed by the Horse Racing Integrity and Safety Authority under 15 U.S.C. Section 3057(d) are attached hereto.

HISA rules provide for review of Final Civil Sanctions by a Federal Administrative Law Judge pursuant to 15 U.S.C §3058. The rules further provide for a stay of the Sanction set forth above if such stay is requested and approved by the Administrative Law Judge.

Appellant challenges the Final Civil Sanction and requests de novo review under 15 U.S.C. § 3058(b)(1) - (3) and 16 C.F.R. §1.146(b) for multiple reasons:

A. The penalty assessed was arbitrary, capricious, an abuse of discretion, prejudicial, or otherwise not in accordance with law. It violates accepted standards established in the decisional law of the FEI and CSA as to how the punishment must follow and be commensurate with the violation. It is also unconstitutional as violative of the Eighth Amendment's excessive fine

clause.

B. The Rule the Commission relied upon, Rule 2262, provides only that a claim shall be voided if a horse tests positive for a Prohibited Substance. The Prohibited Substance list to which the rule refers did not go into effect until May 22, 2023, i.e, long after the date of the purported violation.

C. The conducting of a third hearing and the imposition of a third set of sanctions regarding the same purported positive drug test result violates the doctrines of waiver, estoppel, res judicata, equitable estoppel, collateral estoppel, judicial estoppel, laches, and election of remedies. There were multiple hearings and delays by the Laurel Park Stewards which prejudiced the rights of the Appellant, to the end and effect that the Stewards were requiring that the claim be voided and the claim monies be refunded after the new owners raced Girls Love Me and after the horse passed away while in the new owners' care. There were two initial hearings that took place on January 8, 2023 regarding the purported positive test result. After the horse passed away the new owners complained to the Stewards. Their complaint was improperly lodged verbally and long after the time for objections had passed pursuant to Maryland law and long after Mr. Parham had waived his right to a split sample of the purported positive drug result. The Stewards then conducted a third hearing on February 4, 2023 to consider the new owners' request. The matter was final after the first ruling on January 8, 2023 and no further action could be taken by the Laurel Park Stewards yet on February 9, 2023 the Stewards voided the claim and ordered that the claim monies be refunded.

D. There was no violation of any relevant safety law, safety regulation, drug law or drug regulation.

#### REQUEST FOR EVIDENTIARY HEARING

Pursuant to 16 CFR 1.146(a)(1), Appellant requests an evidentiary hearing. Appellant requests a hearing to contest the Final Civil Sanction, to contest the facts, and to contest the



interpretation of law that formed the basis for the imposition of the Sanction. In particular the Appellant contends the Appellee did not meet its burden that the Appellant violated any relevant safety law, safety regulation, drug law or drug regulation.

Moreover the Appellant intends to present evidence that the Appellant was prejudiced by the multiple delays set forth in paragraph C herein which permitted the new owners to run the horse and have her pass away while in their care. Moreover Mr. Parram was asked whether he would waive his right to a split sample at the hearing on January 8, 2023 (which he did) while unaware that a third hearing would be taking place on February 4, 2023 with the possibility of additional sanctions.

#### REQUEST FOR STAY

Appellant requests a stay of the Final Decision and Consequences during the pendency of the Administrative Law Judge's review. A stay is necessary and fair because if the stay is not granted and the Maryland Racing Commission deducts the claim price from the Appellant's Maryland Purse account, the account will go negative and any earnings of Mr. Parram will go to replace the claim price being deducted from Mr. Parram's purse account. Mr. Parram would suffer irreparable harm should the stay not be granted, there is little harm to others should the stay be granted, the argument of the Appellant has merit, there is a likelihood of success on appeal, and the stay is in the public interest to have a final decision prior to the imposition of any sanction.

/s/ Richard J. Hackerman

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**CERTIFICATE OF SERVICE**

A copy of the forgoing is being served this 21<sup>ST</sup> day of December 2023, via First Class mail and email upon the following:

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johnforgy1@gmail.com

Office of the Secretary  
Federal Trade Commission  
600 Pennsylvania Avenue NW,  
Suite CC-5610  
Washington, DC 20580

Hon. D. Michael Chappell  
Chief Administrative Law Judge  
Office of Administrative Law  
Judges Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580  
(Copies via e-mail to [oalj@ftc.gov](mailto:oalj@ftc.gov) and [electronicfilings@ftc.gov](mailto:electronicfilings@ftc.gov))

Samuel Reinhardt, Assistant General Counsel  
[samuel.reinhardt@hisaus.org](mailto:samuel.reinhardt@hisaus.org)  
Horseracing Integrity and Safety Authority  
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/s/ Richard J. Hackerman

---

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**HORSERACING INTEGRITY AND SAFETY AUTHORITY  
ACTION NO. 2023-00124**

IN RE: APPEAL OF DERRICK PARRAM

APPELLANT

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**DECISION ON APPEAL**

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This matter arises under the jurisdiction of the Horseracing Integrity and Safety Authority (the “Authority”), established pursuant to the Horseracing Integrity and Safety Act (the “Act”) at 15 U.S.C. § 3051, *et seq.*

Appellant Derrick Parram raced GIRLS LOVE ME in a claiming race at Laurel Park on December 9, 2023. The horse was claimed by Louis J. Ulman and Walter Vieser, II. On January 6, 2023, the Laurel Park stewards received notice from Industrial Laboratories that the analysis of a post-race blood sample taken from GIRLS LOVE ME after the race confirmed the presence of Dexamethasone and Trichlormethiazide in the horse's blood on the day of the race. On January 8, 2023, the stewards conducted a hearing concerning the laboratory findings. Appellant attended the hearing. At the conclusion of the hearing, the stewards issued a ruling disqualifying GIRLS LOVE ME from the race and redistributing the purse pursuant to Maryland rules of racing (COMAR 09.10.03.04.). The stewards at this time inadvertently failed to address and implement the terms of HISA Rule 2262(c)(5), which requires that a claim be voided if a Covered Horse has a positive test for a Prohibited Substance.

GIRLS LOVE ME underwent surgery for a knee injury on January 20, 2023. While recuperating from the surgery, GIRLS LOVE ME developed colic and died on January 29, 2023. On or about February 1, 2023, Mr. Ulman's trainer, Dale Capuano, contacted the Laurel Park stewards by telephone to request that the claim be voided, pursuant to HISA Rule 2262. The stewards, now alerted to the oversight, conducted a hearing with Appellant on February 4, 2023, regarding the claim. On February 9, 2023, the stewards issued a ruling citing Appellant Parram for violation of Rule 2262(c)(5), voiding the claim of GIRLS LOVE ME, and ordering that all monies pertaining to the claim be refunded. Pursuant to Rule 8350, Appellant appealed the ruling to the Board for review.

The Board convened a hearing to consider Appellant's appeal remotely via Zoom on Wednesday, October 4, 2023, at 9:30 AM EDT. Attorneys Bryan H. Beauman and Rebecca C. Price appeared as counsel for the Authority. Appellant was served with notice of the hearing on September 13, 2023, by email, and Appellant was represented by Attorney Richard Hackerman, who appeared on his behalf. Additionally, Mr. Lou Ulman, claimant, appeared before the Board at the hearing without representation.

At the hearing, the Board heard argument from Mr. Hackerman, HISA attorney Bryan Beauman, and Mr. Ulman. The Board then directed the parties to submit written briefs on two legal issues:

1. Whether the term "Prohibited Substance" in Rule 2262(c)(5) applies only to Prohibited Substances as defined in the Authority's rules, or if the term also refers to relevant state law;

2. Whether the delay in voiding the claim affected the validity of the stewards' ruling voiding the claim.

The facts relevant to this appeal are not in dispute, and therefore the resolution of Appellant's case turns instead on the legal issues. The Board's rulings on these issues are set forth in turn.

**1. The term "Prohibited Substance" as set forth in HISA Rule 2262(c)(5) was properly defined by Maryland law at the time of the race.**

The Act establishes the Authority and charges the Authority with establishing, implementing, and enforcing an anti-doping and medication control program and a racetrack safety program applicable to all thoroughbred racing participants. To fulfill this mission, the Act directs the Authority to promulgate a uniform set of rules for these programs, to be administered nationally. The Authority developed the Racetrack Safety Program to regulate a range of racing safety matters. The Federal Trade Commission (the "Commission") approved the rules for the Racetrack Safety Program on March 3, 2022, and the rules went into effect on July 1, 2022. The Authority subsequently created the Anti-Doping and Medication Control ("ADMC") Program to regulate controlled medications and illicit banned substances administered to Covered Racehorses. The Commission approved the rules for the ADMC Program on March 27, 2023, and these rules became effective on May 22, 2023.

In specifying the extent of the Authority's jurisdiction over racing, the Act addresses federal preemption of state law as follows: "The rules of the Authority promulgated in accordance with this chapter shall preempt any provision of State law or regulation with respect to matters within the jurisdiction of the Authority under

this chapter, as limited by subsection (j). Nothing contained in this chapter shall be construed to limit the authority of the Commission under any other provision of law.” 15 U.S.C § 3054(b). The Authority provided further detail concerning preemption of state law in Guidance filed with the Commission on March 14, 2022: “Accordingly, while State laws are preempted with respect to matters on which the FTC has approved and promulgated a final rule, State law will continue to regulate matters on which the FTC has not yet approved and promulgated a final rule.” See Guidance of the Authority filed March 14, 2022.

Rule 2262, Void Claim, is part of the Rule 2000 Racetrack Safety Program and governs the voiding of claims in claiming races. The rule states in part, “A claim shall be voided, and ownership of the Horse retained by the original Owner if...the Horse has a positive test for a **Prohibited Substance**.” Rule 2262(c)(5) (emphasis added). Rule 2010 (“Definitions”) defines a Prohibited Substance as “any substance, or class of substances, so described on the Prohibited List.” The Prohibited List, codified in the ADMC Rule 4000 Series, was not yet in effect at the time of the race.

Rule 2262(c)(5) requires the stewards to void a claim if a horse tests positive for a Prohibited Substance. The rule is mandatory and not discretionary. See Rule 2262(c)(5). Because the Authority had not yet promulgated the Prohibited List detailing the substances that would be classified as prohibited under the ADMC program, HISA had not yet preempted Maryland’s regulation of prohibited substances in thoroughbred racing. Therefore, Maryland regulations applied. Only when the ADMC Program went into effect on May 22, 2023, did the Authority’s rules

preempt the states' regulation of specific prohibited substances in thoroughbred racing.

At the time of the race, Maryland regulations addressed prohibited substances. The Code of Maryland Regulations ("COMAR") in COMAR 09.10.03.04 ("Drug Prohibition – Horses") makes clear in Section B that "a horse participating in a race may not carry in its body... a drug[.]" There is no dispute that GIRLS LOVE ME tested positive for Dexamethasone and Trichlormethiazide which Maryland law defines and penalizes as prohibited drugs. See COMAR 09.10.03.01.B(2)(c) and 09.10.03.04.C. GIRLS LOVE ME tested positive for the prohibited substances Dexamethasone and Trichlormethiazide in violation of the Maryland rules of racing.

To hold that Maryland regulations did not specify those substances prohibited in Maryland prior to implementation of the ADMC Program would mean that Rule 2262 had no legal effect until the Prohibited List became effective on May 22, 2023. Such a result does not comport with the intent of Congress to establish and effectively regulate a program ensuring a safe and fair environment for all thoroughbred racing participants. The void claim rule, as part of that program, is a crucial guarantor of horse safety that penalizes the running of a Covered Horse with prohibited substances in its system.

Applying Rule 2262(c)(5) as supplemented by Maryland's prohibited substance regulations, the Board holds that Laurel Park stewards properly voided the claim of GIRLS LOVE ME.



**2. The Stewards' delay in voiding the claim did not affect the validity of the ruling.**

Appellant argues that because the stewards did not address the voided claim rule violation in the first hearing on January 8, 2023, the stewards were precluded from conducting a second hearing on the matter and issuing a ruling voiding the claim. Neither the rules of the Authority or the Maryland racing regulations support this conclusion. The Laurel Park stewards held two hearings on two distinct issues: a Maryland state regulation violation concerning prohibited substances, and a HISA Rule 2262 violation resulting in the voided claim. Though the violations of Maryland and HISA regulations arise from GIRLS LOVE ME's positive test for Dexamethasone and Trichlormethiazide, the violations for which the stewards cited the Appellant were distinct. The first ruling, which disqualified GIRLS LOVE ME from the Race on January 8, 2023, was based upon a Maryland rule of racing (COMAR 09.10.03.04) that provides for disqualification of a horse from a race due to a positive drug finding. The second hearing was held to adjudicate the voiding of the claim based on a violation of the HISA 2262 void claim rule. The ruling issued after that hearing cites HISA Rule 2262 and does not reference the Maryland drug prohibition rules underlying the stewards' previous disqualification of the horse. The hearings and rulings dealt with different violations arising from the same positive test.

The HISA rules do not require stewards to hold hearings on state and HISA violations simultaneously. Further, the weighty considerations embodied in the principles of res judicata and collateral estoppel, which bar the re-litigation of claims and issues in multiple lawsuits and complex administrative cases, are not properly

applicable to the comparatively simple matter of imposing sanctions in two successive stewards' hearings to cure an oversight in the first hearing. Neither does this case invoke double jeopardy considerations, as would be the case if multiple and repetitive sanctions for the violation of a single rule were imposed upon on Appellant. In this case, separate sanctions were properly imposed for the violation of two separate rules.

Appellant argues that the doctrine of laches precludes the voiding of the claim. As cited by Appellant, laches “applies when there is an unreasonable delay in the assertion of one’s rights and that delay results in prejudice to the opposing party.” Liddy v. Lamone, 919 A.2d 1276, 398 Md. 233 (2007). Appellant asserts that the 27-day period which transpired pending the completion of the laboratory post-race testing analysis was unreasonable. Invoking the doctrine of equitable estoppel, Appellant similarly maintains that he was placed by the conduct of the parties in the “untenable position of being forced to buy back a deceased horse though he shares no blame for the time-consuming drug testing process nor the running and caring for Girls Love Me by Mr. Ulman, et. al.” See Appellant’s Brief at age 5. The rules applicable to this case did not impose a time limit on the completion of the analysis, and the Board takes judicial notice that the 27-day period was not an unreasonably long period when measured against industry standards. It was not “prejudicial” to Appellant that the claim was voided as a consequence of the positive test for prohibited substances; put simply, the claim was voided pursuant to proper application of Rule 2262. Further, it is a well-established principle that persons who request equitable relief “must come with clean hands.” Precision Instrument Mfg. Co.

v. Automotive Maintenance Machinery Co., 324 U.S. 806, 65 S.Ct. 993, 89 L.Ed. 1381 (1945). In accordance with this principle, and given the specific facts and circumstances of this case, the Appellant's prohibited substance violation precludes him from obtaining equitable relief.

Appellant argues that Mr. Capuano failed to lodge a timely written objection concerning the failure to void the claim; this failure, according to Appellant, precludes the stewards from taking action to void the claim. Appellant misunderstands the nature of an objection. State racing rules typically do require that objections to certain matters pertinent to a race be raised in writing and within a specified time. Such matters include, for example, a contention that a horse or jockey is ineligible to run in a race, a misstatement or omission in the entry information under which a horse is to run, or a foul that occurs during the running of the race. Such matters are often required to be brought to the attention of the stewards promptly and in writing to allow the stewards to investigate and determine the facts of the matter within a reasonable time. In this appeal, however, no factual matter required investigation. Instead, the stewards merely imposed a penalty pursuant to established rules after discovering a previous oversight. The stewards may properly rectify an oversight regardless of how or in what form the matter comes to their attention.

The Board holds that the delay in voiding the claim after the disqualification of the horse from the race did not violate the Appellant's legal or equitable rights or invalidate the stewards' ruling voiding the claim. The stewards addressed an oversight and followed the mandate of Rule 2262(b)(5), voiding the claim based upon

a positive test for a Prohibited Substance. No improper or unfair penalty was imposed upon Appellant.

The standard of review is set forth in Rule 8350(f): “Upon review of the decision which is the subject of the appeal, the Board shall uphold the decision unless it is clearly erroneous or not supported by the evidence or applicable law.” The Board finds that the stewards’ ruling in this case is not clearly erroneous and is supported by the evidence and applicable law. The Board therefore **AFFIRMS** the stewards’ ruling voiding the claim.

This decision is the final decision of the Authority pursuant to 5 U.S.C. § 3058.

#### APPEAL RIGHTS

Pursuant to 15 U.S.C. § 3058(b), an Appellant may appeal the civil sanction imposed by this decision to the Federal Trade Commission within 30 days of the Authority’s submission to the Federal Trade Commission of notice of the civil sanction. The Authority will provide notice of this decision to the Federal Trade Commission on the date that this decision is issued to the Appellant.

So **ORDERED** this 14th day of December, 2023.



---

Charles P. Scheeler  
Chair, Board of Directors

**CERTIFICATE OF ISSUANCE**

Undersigned enforcement counsel certifies that on December 14, 2023, this

Decision on Appeal was issued via email and first-class mail to:

Richard Hackerman  
[richard@richardhackerman.com](mailto:richard@richardhackerman.com)  
3635 Old Court Road, Suite 208  
Baltimore, Maryland 21208

Lou Ulman  
[ulmanlouis@gmail.com](mailto:ulmanlouis@gmail.com)  
10201 Wincopin Cir,  
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Bryan Beauman  
Rebecca Price  
[bbeauman@sturgillturner.com](mailto:bbeauman@sturgillturner.com)  
[rprice@sturgillturner.com](mailto:rprice@sturgillturner.com)  
333 West Vine Street, Suite 1500  
Lexington, Kentucky 40507

*/s/ John Forgy* \_\_\_\_\_  
John L. Forgy  
Counsel to HISA  
830 Vermillion Peak Pass  
Lexington, KY 40515  
(859)-940-1215  
Email: [johnforgy1@gmail.com](mailto:johnforgy1@gmail.com)

**NOTICE TO FEDERAL TRADE COMMISSION OF FINAL CIVIL  
SANCTION IMPOSED BY THE HORSERACING INTEGRITY AND  
SAFETY AUTHORITY UNDER 15 U.S.C. § 3057(d)**

Pursuant to 15 U.S.C. § 3058, this document shall constitute notice of a final civil sanction imposed under 15 U.S.C. § 3057(d) by the Horseracing Integrity and Safety Authority (“HISA”) on the following Covered Persons resulting from a violation of a HISA rule:

Covered Person(s)/Appellant(s)	Action Number	Rule(s) Violated	Final Civil Sanction
Derrick Parram	2023-00124	HISA Rule 2262(c)(5)	HISA Decision on Appeal affirming stewards ruling which voided the claim of GIRLS LOVE ME due to a positive test for a Prohibited Substance

Contact information for the HISA employee responsible for communications regarding review of the civil sanction is:

John Forgy  
Counsel to HISA  
830 Vermillion Peak Pass  
Lexington, KY 40515  
(859)-940-1215  
[johnforgy1@gmail.com](mailto:johnforgy1@gmail.com)

**Proof of Service**

I hereby certify that on December 14, 2023, pursuant to Federal Trade Commission Rule of Practice §4.4(d), I transmitted this HISA Civil Sanction Notice via email to Mr. Richard Hackerman, counsel for Derrick Parram, at the email address [richard@richardhackerman.com](mailto:richard@richardhackerman.com).

John L. Forgy  
Counsel to HISA  
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/s/ John Forgy

John L. Forgy  
Counsel to HISA

# TAB 14



FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

## NOTICE OF APPEARANCE



CASE NAME	FILE/DOCKET NUMBER
In the matter of Derrick Parram, Appellant	D09424

Pursuant to Section 4.1 of the Commission's Rules of Practice, I (we) am (are) entering in the above proceeding the appearance of

- counsel supporting the complaint (Complete Items 1, 3, 4, and 5 below)
- counsel or representative for the respondent (Complete Items 1, 2, 4, and 5 below)
- counsel or representative for a third party (Complete Items 1, 2, 4, and 5 below)

1. COUNSEL OR REPRESENTATIVE	2. RESPONDENT(S) OR THIRD PARTY(IES)
<p style="font-size: small;">Include the name, address, email address, and telephone number of each counsel or representative entering an appearance in the above proceeding.</p> <div style="border: 1px solid black; padding: 5px; min-height: 400px;">                     Bryan H. Beaman                      Rebecca C. Price                      Sturgill, Turner, Barker &amp; Moloney, PLLC                      333 W. Vine Street, Suite 1500                      Lexington, Kentucky 40507                      Telephone: (859) 255-8581                      bbeaman@sturgillturner.com                      rprice@sturgillturner.com                 </div>	<p style="font-size: small;">Include the address and telephone numbers of all persons, partnerships, corporations, or associations on whose behalf this Notice of Appearance is being filed.</p> <div style="border: 1px solid black; padding: 5px; min-height: 400px;">                     Horseracing Integrity and Safety Authority                      401 West Main Street                      Suite 222                      Lexington, KY 40507                      Telephone: (877) 513-2919                 </div>

3. ASSOCIATE/ASSISTANT DIRECTOR

4. SIGNATURE OF SENIOR COUNSEL	5. DATE SIGNED
Bryan H. Beaman	01/02/2024

Return this form to: Federal Trade Commission  
Room H-113  
600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20580

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

**In the Matter of Derrick Parram, Appellant, Docket No. D09424**

**STATEMENT OF GOOD STANDING PURSUANT TO 16 C.F.R. § 4.1**

In connection with the Notice of Appearance filed on January 2, 2024, and pursuant to 16 C.F.R. § 4.1(d), I state that I am eligible to practice before the Commission as counsel for the Horseracing Integrity and Safety Authority. I am admitted to practice before the Supreme Court of the United States of America; United States Courts of Appeals for the Sixth, Seventh, and Tenth Circuits; United States District Courts for the Eastern and Western Districts of Kentucky; and the Supreme Court of Kentucky. I am in good standing with the Kentucky Bar Association (KBA No. 86968).

As requested by 16 C.F.R. § 4.1(d), I further state that I am a member of good standing within the legal profession.

*/s/ Bryan H. Beauman*

---

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PUBLIC

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

**In the Matter of Derrick Parram, Appellant, Docket No. D09424**

**STATEMENT OF GOOD STANDING PURSUANT TO 16 C.F.R. § 4.1**

In connection with the Notice of Appearance filed on January 2, 2024, and pursuant to 16 C.F.R. § 4.1(d), I state that I am eligible to practice before the Commission as a member of counsel for the Authority. I am admitted to practice before the Supreme Court of Kentucky. I am in good standing with the Kentucky Bar Association (KBA No. 97312).

As requested by 16 C.F.R. § 4.1(d), I further state that I am a member of good standing within the legal profession.

*/s/ Rebecca C. Price*

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**CERTIFICATE OF SERVICE**

I hereby certify that on January 2, 2024, pursuant to Federal Trade Commission Rules of Practice 4.2(c) and 4.4(b), I caused the foregoing Notice of Appearance (FTC Form 232) and Declaration of Bryan H. Beauman and Rebecca C. Price to be filed and served as follows:

Hon. D. Michael Chappell  
Chief Administrative Law Judge  
Office of Administrative Law Judges  
Federal Trade Commission  
600 Pennsylvania Ave. NW  
Washington DC 20580  
via e-mail to [OALJ@ftc.gov](mailto:OALJ@ftc.gov)

April Tabor  
Office of the Secretary  
Federal Trade Commission  
600 Pennsylvania Ave. NW  
Washington, DC 20580  
Via email: [electronicfilings@ftc.gov](mailto:electronicfilings@ftc.gov)

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Counsel for Derrick Parram, Appellant

/s/ Bryan H. Beauman  
Counsel for Horseracing Integrity and Safety  
Authority

# TAB 15

PUBLIC

**UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION  
OFFICE OF ADMINISTRATIVE LAW JUDGES  
FTC DOCKET NO. D-9424**

**ADMINISTRATIVE LAW JUDGE:** \_\_\_\_\_

**IN THE MATTER OF:**

**DERRICK PARRAM**

**APPELLANT**

---

**RESPONSE TO NOTICE OF APPEAL  
AND APPLICATION FOR REVIEW  
AND REQUEST FOR STAY**

---

The Horseracing Integrity and Safety Authority (the “Authority”) files this Response to Appellant Derrick Parram’s Notice of Appeal and Application for Review. The Authority requests the Commission uphold the Authority’s Decision on Appeal (the “Decision”) and deny Appellant’s request for an evidentiary hearing. Pursuant to 16 CFR 1.146(c)(2), the appeal should be limited to briefing by the parties or oral argument.

**I. HISA Rule 2262 Void Claim**

It is important to first identify the Authority’s rule that governs this matter. Underlying this matter, the stewards at Laurel Park cited Appellant with a violation of HISA Rule 2262 Void Claim (the “Void Claim Rule”). Claiming races commonly occur in thoroughbred racing. A claiming race allows a new owner to purchase a participating horse for an established claiming price. While jurisdictional rules vary, generally, interested licensed owners will complete a claim slip with the racetrack, transfer the claiming funds to the horse’s original owner, and at the conclusion of the race immediately take possession of the horse. Title to a horse vests with the new owner at the time the field leaves the starting gate. HISA Rule 2262. However, under the Void Claim Rule this title

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transfer shall be voided if “the Horse has a positive test for a Prohibited Substance.” HISA Rule 2262(c)(5). A Void Claim Rule violation may be appealed to the Board of the Authority under the procedures set forth in HISA Rule 8350. The Board conducts the appeal and upholds the Void Claim Rule violation unless it is “clearly erroneous or not supported by the evidence or applicable law.” HISA Rule 8350(g).

## **II. Appellant’s Request for Evidentiary Hearing should be denied.**

Appellant’s request for an evidentiary hearing is not needed. First, Appellant stipulated to all facts surrounding the underlying Void Claim Ruling the Laurel Park Stewards issued at the hearing before the Board of the Authority. Appellant entered an agreed factual stipulation with counsel for the Authority in advance of the hearing.<sup>1</sup> Using the agreed facts, the Board of the Authority conducted the appeal hearing limited to legal arguments surrounding the application of the Void Claim Rule in this matter. Appellant has not identified any relevant factual matters that are needed for this appeal beyond the agreed factual stipulation. Further, as the Notice of Appeal makes clear, all arguments Appellant intends to raise will be “to contest the interpretation of law that formed the basis for the imposition of the Sanction.” These arguments are purely legal and do not require additional evidence for the ALJ to review. Therefore, the appeal should be limited to briefing or oral argument without an evidentiary hearing.

Appellant has not identified new evidence that would be necessary to supplement or supplant the record before the ALJ in review of this appeal. The Board of the Authority reviewed at length the underlying record, including the Laurel Park Stewards’ ruling and all stipulated facts, in the rendering of its decision.

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<sup>1</sup> The Authority will provide the ALJ the complete record.

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The Authority therefore requests the Commission uphold the Decision and limit the ALJ's review to briefing or oral argument by the parties, pursuant to 16 CFR 1.146(a)(c)(3). Briefing will address all issues raised by the Appellant in this matter. The Authority will assert, relying on the previously stipulated facts, that Appellant violated the Void Claim Rule and the resulting voiding of the claim was the proper enforcement of the rule. Appellant's horse, GIRLS LOVE ME, raced in a claiming race at Laurel Park on December 9, 2022. The horse tested positive for a prohibited substance after that race. The Stewards held two hearings and issued two rulings. The first ruling disqualified the purse earnings under Maryland regulations of prohibited substances in racing. Subsequently, the Stewards voided the claim of the horse pursuant to the Authority's Void Claim Rule that requires a claim to be voided after a positive test for a prohibited substance. The Stewards' enforcement of the Authority's regulation should be upheld.

### **III. Response to Appellant's Request for Stay**

The Authority takes no position as to Appellant's Request for Stay. Appellant has not met the burden to receive a stay during the pendency of this appeal, as he has not shown that he will likely be successful on review. 16 CFR 1.148(d). Both the Laurel Park Stewards and the Board of the Authority found Appellant to be in violation of the Void Claim Rule. Appellant stipulated all relevant facts at the appeal hearing before the Board and did not contest the underlying factual scenario from which the Void Claim Rule violation arose. Appellant has not shown he is likely to succeed on review and his request for a stay. However, the imposition of a stay pending the ALJ's review of this matter will not constitute harm against the Authority, and the Authority takes no position on the Request for Stay.



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Respectfully submitted,

STURGILL, TURNER, BARKER & MOLONEY,  
PLLC

/s/ Bryan Beuman  
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HISA ENFORCEMENT COUNSEL

**CERTIFICATE OF SERVICE**

Pursuant to 16 CFR 1.146(a) and 16 CFR 4.4(b), a copy of this Response is being served on January 2, 2024, via Administrative E-File System and by emailing a copy to:

Hon. D. Michael Chappell  
Chief Administrative Law Judge  
Office of Administrative Law Judges  
Federal Trade Commission  
600 Pennsylvania Ave. NW  
Washington DC 20580  
via e-mail to [Oalj@ftc.gov](mailto:Oalj@ftc.gov) and [electronicfilings@ftc.gov](mailto:electronicfilings@ftc.gov)

Richard J. Hackerman  
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(410) 630-7232 (fax)  
Attorney for the Appellant  
CPF 8212010181  
[richard@richardhackerman.com](mailto:richard@richardhackerman.com)

A copy of this Response is also being provided via email as a courtesy to the claiming owners of GIRLS LOVE ME:

Louis Ulman, [ulmanlouis@gmail.com](mailto:ulmanlouis@gmail.com); Walter Vieser, II, [Walt.vieser@redarchsolutions.com](mailto:Walt.vieser@redarchsolutions.com)

/s/ Bryan Beuman  
Enforcement Counsel

# TAB 16

PUBLIC

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

	)	
In the Matter of	)	
	)	
Derrick Parram,	)	Docket No. 9424
	)	
Appellant.	)	
	)	

ORDER FOR SUPPLEMENTAL FILING

On December 21, 2023, Appellant Derrick Parram (“Appellant” or “Parram”), pursuant to 15 U.S.C. § 3051 *et seq.*, 5 U.S.C. § 556 *et seq.*, and 16 C.F.R. § 1.145 *et seq.*, filed a Notice of Appeal and Application for Review (“Application for Review”).

Appellant appeals the decision of the Horseracing Integrity and Safety Authority (the “Authority”) issued on December 14, 2023 (the “Decision”). The Decision affirmed the determinations of the Laurel Park stewards (the “Stewards”) that (1) the thoroughbred horse named “Girls Love Me” had tested positive for a prohibited substance after a December 9, 2022 claiming race<sup>1</sup> at Laurel Park, Maryland, and (2) the claim to the horse made after the race by Louis J. Ulman and Walter Vieser II must be voided and Appellant must refund all monies pertaining to the claim, pursuant to the Horseracing Integrity and Safety Act of 2020 (“HISA”), 15 U.S.C. §§ 3051-3060, Racetrack Safety Rule 2262 (the “Sanction”).

In challenging the Decision, Appellant contends that: the Sanction imposed was arbitrary, capricious, an abuse of discretion, prejudicial, or otherwise not in accordance with law; and the substance for which Girls Love Me tested positive after the claiming race was not, at the time of the test, a prohibited substance under rules promulgated under HISA. Appellant further contends that the Authority inappropriately “split” the hearing into (1) a hearing into whether the horse had tested positive for a prohibited substance; and (2) a subsequent hearing on whether the claim must be voided and the claim amount refunded. Appellant requests *de novo* review of the Decision under 15 U.S.C. § 3058(b)(1)-(3) and 16 C.F.R. § 1.146(b), and, pursuant to 16 C.F.R. § 1.146(a)(1), requests an evidentiary hearing before an Administrative Law Judge (“ALJ”) of the Federal Trade Commission to “contest the facts, and to contest the interpretation of law that formed the basis for the imposition of the Sanction.” Appellant further requests an evidentiary

<sup>1</sup> A claiming race “means a Covered Horserace in which a Covered Horse after leaving the starting gate may be claimed in accordance with the rules and regulations of the applicable State Racing Commission.” HISA Definition Rule 1020 (“Definitions”).

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hearing to “present evidence that the Appellant was prejudiced” by the delay between the hearing regarding the prohibited substance and the hearing regarding voiding the claim.

The Authority filed a response to the Application for Review on January 3, 2024, requesting that the ALJ uphold the Decision and deny Appellant’s request for an evidentiary hearing as unnecessary. The Authority argues that, pursuant to 16 C.F.R. § 1.146(c)(2), the appeal should be limited to briefing or oral argument by the parties. The Authority asserts that Appellant stipulated to all the facts surrounding the underlying void claim ruling issued by the Stewards, and that Appellant has not identified any new evidence that would be necessary to supplement or supplant the underlying record. The Authority further asserts that Appellant raises only legal arguments, which do not warrant an evidentiary hearing. *See* 16 C.F.R. § 1.146(a)(1) (providing that the Authority may file a response to the application for review stating the reasons that “an evidentiary hearing conducted by the Administrative Law Judge is either unnecessary, or necessary to supplement or to contest facts in the record found by the Authority”).

Rule 1.146(c)(2) of the Procedures for Review of Final Civil Sanctions Imposed under the Horseracing Integrity and Safety Act (“Rules”) provides with regard to the factual record for appeal that “the Administrative Law Judge may rely *in full or in part* on the factual record developed before the Authority” and that “[t]he record may be supplemented by an evidentiary hearing conducted by the Administrative Law Judge to ensure each party receives a fair and impartial hearing.” 16 C.F.R. § 1.146(c)(2) (emphasis added). Rule 1.146(c)(2) further requires the ALJ to assess, based on the notice of appeal and the response thereto, whether there are contested facts and whether supplementation of the record below is necessary. 16 C.F.R. § 1.146(c)(2)(i)-(iii), (v).

Based on the filings of the parties, and in order to facilitate the assessment required under Rule 1.146(c)(2), it is hereby ORDERED that, no later than 3:00 p.m. on January 23, 2024, Appellant shall submit a statement of the facts Appellant seeks to contest and the supplemental evidence that Appellant intends to submit at the requested evidentiary hearing, together with a demonstration as to how such facts and evidence are material to the decision being appealed.

In light of this Order requesting additional information, and to ensure there is time to consider any information submitted by Appellant, the deadline to make the determinations required pursuant to Rule 1.146(c)(2) is hereby extended to five business days from the filing of the statement directed by this Order.

ORDERED:



D. Michael Chappell  
Chief Administrative Law Judge

Date: January 9, 2024

# TAB 17

FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

## NOTICE OF APPEARANCE



<b>CASE NAME</b> In the Matter of Derrick Parram, Appellant	<b>FILE/DOCKET NUMBER</b> D09424
--	-------------------------------------

Pursuant to Section 4.1 of the Commission's Rules of Practice, I (we) am (are) entering in the above proceeding the appearance of

- counsel supporting the complaint (Complete Items 1, 3, 4, and 5 below)
- counsel or representative for the respondent (Complete Items 1, 2, 4, and 5 below)
- counsel or representative for a third party (Complete Items 1, 2, 4, and 5 below)

<b>1. COUNSEL OR REPRESENTATIVE</b>	<b>2. RESPONDENT(S) OR THIRD PARTY(IES)</b>
-------------------------------------	---

Include the name, address, email address, and telephone number of each counsel or representative entering an appearance in the above proceeding.

Richard J. Hackerman  
3635 Old Court Road Suite 208  
Baltimore MD 21208  
richard@richardhackerman.com  
410 243 8800

Include the address and telephone numbers of all persons, partnerships, corporations, or associations on whose behalf this Notice of Appearance is being filed.

Derrick Parram  
[REDACTED ADDRESS]

**3. ASSOCIATE/ASSISTANT DIRECTOR**

<b>4. SIGNATURE OF SENIOR COUNSEL</b> /s/ Richard J. Hackerman	<b>5. DATE SIGNED</b> 01/12/2024
---	-------------------------------------

Return this form to: Federal Trade Commission  
Room H-113  
600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20580

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

**In the Matter of Derrick Parram, Appellant, Docket No. D09424**

**STATEMENT OF GOOD STANDING PURSUANT TO 16 C.F.R. §4.1**

In connection with the Notice of Appearance filed on January 12, 2024, and pursuant to 16 C.F.R. §4.1(d), I state that I am eligible to practice before the Commission as counsel for the Derrick Parram, Appellant. I am admitted to practice before the Supreme Court of the United States of America; United States Courts of Appeals for the Fourth Circuit; United States District Courts for the District of Maryland and the District of Columbia. I am in good standing with the Supreme Court of Maryland, (CPF No. 8212010181).

As requested by 16 C.F.R. §4.1(d), I further state that I am a member of good standing within the legal profession.

  
/s/ Richard J. Hackerman

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Attorney for the Appellant  
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PUBLIC

**CERTIFICATE OF SERVICE**

Pursuant to 16 CFR 1.146(a) and 16 CFR 4.4(b), a copy of the forgoing is being served this 12<sup>th</sup> day of January 2024, via First Class mail and/or email upon the following:

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Federal Trade Commission  
600 Pennsylvania Avenue NW,  
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Chief Administrative Law Judge  
Office of Administrative Law  
Judges Federal Trade  
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~~/s/ Richard J. Hackerman~~

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# TAB 18

PUBLIC

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

	)	
In the Matter of	)	
	)	
Derrick Parram,	)	Docket No. 9424
	)	
Appellant.	)	
	)	

**ORDER GRANTING APPELLANT’S REQUEST FOR STAY PENDING APPEAL**

On December 21, 2023, Appellant Derrick Parram (“Appellant”), pursuant to 15 U.S.C. § 3051 *et seq.*, 5 U.S.C. § 556 *et seq.*, and 16 C.F.R. § 1.145 *et seq.*, filed a Notice of Appeal and Application for Review (“Application for Review”). Appellant’s Application for Review included a request for a stay of the decision and civil sanction issued by the Horseracing Integrity and Safety Authority (“the Authority”) during the pendency of the Administrative Law Judge’s review (“Stay Request”). On January 3, 2024, the Authority filed a response to the Application for Review, which included the Authority’s response to Appellant’s Stay Request. For the reasons set forth below, Appellant’s Stay Request is GRANTED.

Pursuant to Rules 1.148(c)-(d) of the Procedures for Review of Final Civil Sanctions Imposed under the Horseracing Integrity and Safety Act of 2020, 16 C.F.R. §1.148(c)-(d) (“Rules”), in an application for a stay of a final civil sanction imposed by the Authority, Appellant “must provide the reasons a stay is or is not warranted by addressing the factors [listed below] and the facts relied upon”:

- (1) The likelihood of the applicant’s success on review;
- (2) Whether the applicant will suffer irreparable harm if a stay is not granted;
- (3) The degree of injury to other parties or third parties if a stay is granted; and
- (4) Whether the stay is in the public interest.

16 C.F.R. § 1.148(c)-(d).

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In his Stay Request, Appellant argues that: (1) if a stay is not granted, Appellant's earnings will go to replace the claim price that is being deducted from his Maryland purse account and he will thus suffer irreparable harm; (2) there is little harm to others should the stay be granted; (3) Appellant's argument in his Application for Review has merit and there is a likelihood of success on appeal; and (4) the stay is in the public interest. In its response, the Authority states that it takes no position on Appellant's Stay Request and that the imposition of a stay pending review of this matter will not cause harm to the Authority.

In consideration of Appellant's representations with respect to the required Rule 1.148(c)-(d) factors, and given that the Authority does not oppose the issuance of a stay, Appellant's Stay Request is GRANTED.

ORDERED:



D. Michael Chappell  
Chief Administrative Law Judge

Date: January 9, 2024

# TAB 19

PUBLIC

**UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
MATTER NO.**

IN THE MATTER OF:  
DERRICK PARRAM APPELLANT

HISA ACTION NO.: 2023-00124

DOCKET 9424

**APPELLANT'S SUPPLEMENTAL FILING**

Now comes the Appellant, Derrick Parram, pursuant to the Order for Supplemental Filing dated January 9, 2024 and says:

The Appellant, Derrick Parram was prejudiced by multiple delays. There were delays in the reporting of alleged positive drug result and delays in the raising of the void claim issue with the Maryland Stewards. This matter was briefed in the Appellant's hearing brief. The dates were also set forth in the Stipulation of the parties.

The Appellant needs to testify as the prejudice of the delays. First the delay in the reporting of the alleged positive drug result resulted in the running of the horse in a subsequent race, the horse's injury, the horses veterinary care and the horse's death, all having taken place while the horse is in the care of the new owners. After the horse's death, the new owners's trainer contacted the Stewards seeking the voiding of the claim and the return of the purchase price.

Moreover, the Appellant needs to testify as to the prejudice of having multiple hearings before the Stewards. At the first hearing the Appellant was asked if he would waive his right to have a split sample of the test result. He agreed. Weeks later he was notified that the Stewards were seeking additional consequences as a result of the alleged drug positive, i.e., the voiding of the claim and the return of the purchase price for a horse that was no longer alive.

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The Appellant will testify that he may not have waived his right to a split sample had he known weeks after the first hearing that a third hearing would take place involving even greater consequences and charges than he was advised at the first hearing.

In short the Appellant contests the decision below that he was not prejudiced by the delays. The delays and the prejudice incurred as a result of the delays supports Appellant's arguments that the doctrines of res judicata, laches, claim preclusion, collateral estoppel, election of remedies and equitable estoppel bar the re-litigation of the alleged positive test result yet again at a third hearing. The Appellant needs to testify as to the delays and the effect of the delays.

/s/ Richard J. Hackerman

---

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**CERTIFICATE OF SERVICE**

Pursuant to 16 CFR 1.146(a) and 16 CFR 4.4(b), a copy of the forgoing is being served this 23<sup>rd</sup> day of January 2024, via First Class mail and/or email upon the following:

Office of the Secretary  
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600 Pennsylvania Avenue NW,  
Suite CC-5610  
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FEDERAL TRADE COMMISSION | OFFICE OF THE SECRETARY | FILED 01/23/2024 OSCAR NO. 609420 -PAGE Page 5 of 5 \* PUBLIC \*

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/s/ Richard J. Hackerman

---

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# TAB 20

PUBLIC

**UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
OFFICE OF ADMINISTRATIVE LAW JUDGES**

	)	
In the Matter of	)	
	)	
Derrick Parram,	)	Docket No. 9424
	)	
Appellant.	)	
	)	

**ORDER ON APPLICATION FOR REVIEW  
AND SETTING DATE FOR EVIDENTIARY HEARING**

On December 21, 2023, Appellant Derrick Parram (“Appellant”), pursuant to 15 U.S.C. § 3051 *et seq.*, 5 U.S.C. § 556 *et seq.*, and 16 C.F.R. § 1.145 *et seq.*, filed a Notice of Appeal and Application for Review (“Application for Review”).

Appellant appeals the decision of the Horseracing Integrity and Safety Authority (the “Authority”) issued on December 14, 2023 (the “Decision”). The Decision affirmed the determinations of the Laurel Park stewards (the “Stewards”) that (1) the thoroughbred horse named “Girls Love Me” had tested positive for a prohibited substance after a December 9, 2022 claiming race<sup>1</sup> at Laurel Park, Maryland, and (2) the claim to the horse made after the race by Louis J. Ulman and Walter Vieser II must be voided and Appellant must refund all monies pertaining to the claim, pursuant to the Horseracing Integrity and Safety Act of 2020 (“HISA”), 15 U.S.C. §§ 3051-3060, Racetrack Safety Rule 2262 (the “Sanction”).

In his Application for Review, Appellant requested an evidentiary hearing before an Administrative Law Judge (“ALJ”) of the Federal Trade Commission to “contest the facts, and to contest the interpretation of law that formed the basis for the imposition of the Sanction.” Appellant further requested an evidentiary hearing to “present evidence that the Appellant was prejudiced” by delay between the hearing regarding the prohibited substance and the hearing regarding voiding the claim. The Authority’s response to the Application for Review, filed January 3, 2024, asserted that an evidentiary hearing is

---

<sup>1</sup> A claiming race “means a Covered Horserace in which a Covered Horse after leaving the starting gate may be claimed in accordance with the rules and regulations of the applicable State Racing Commission,” and a claim “means, in the context of a Claiming Race, the purchase of a Covered Horse for a designated amount.” HISA Definition Rule 1020 (“Definitions”).

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unnecessary because Appellant had stipulated to the facts below and had raised only legal issues in his Application for Review.

Rule 1.146(c)(2) of the Procedures for Review of Final Civil Sanctions Imposed under the Horseracing Integrity and Safety Act (“Rules”) requires the ALJ to assess, among other things, whether, based on the notice of appeal and the response thereto, there are contested facts and whether supplementation of the record below is necessary. 16 C.F.R. § 1.146(c)(2)(i)-(iii), (v). In order to facilitate this assessment, on January 9, 2024, an order was issued directing Appellant to “submit a statement of the facts Appellant seeks to contest and the supplemental evidence that Appellant intends to submit at the requested evidentiary hearing, together with a demonstration as to how such facts and evidence are material to the decision being appealed.” (the “January 9 Order”).<sup>2</sup>

On January 23, 2024, Appellant made a supplemental filing in response to the January 9 Order. Appellant asserted as contested fact the issue of whether he was prejudiced by delays in the hearings below and expressed his desire to testify regarding these delays and the asserted prejudice.

Based on the foregoing, pursuant to Rule 1.146(c)(2), Appellant contests facts determined below and seeks to supplement the record with his testimony, as identified in Appellant’s supplemental filing. Accordingly, an evidentiary hearing is warranted.

**The parties are hereby notified that the evidentiary hearing in this matter will commence on February 7, 2024 at 2:00 p.m., Eastern Standard Time and will be conducted by videoconferencing.** Details regarding videoconferencing procedures will be sent to the parties in advance of the hearing date.

The following procedures will apply:

- The evidentiary hearing will last no more than 8 hours for the Appellant and no more than 8 hours for the Authority and will be limited to: an opening statement by Appellant of no more than 15 minutes; an opening statement by the Authority of no more than 15 minutes; direct examination of the Appellant, with opportunity for cross-examination by the Authority; and the admission of documentary evidence.
- You are directed to provide a list of all individuals who will be participating in the hearing 3 days in advance of the hearing and file it through the Administrative E-File System (“AEFS”).

---

<sup>2</sup> In order to ensure adequate time to consider any information submitted by Appellant, the January 9 Order extended the deadline to make the required Rule 1.146(c)(2) determinations to five business days from the date of Appellant’s supplemental filing.

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- The hearing will be conducted remotely via videoconferencing and will be transcribed by a court reporter. An audio line will be provided for public access.
- HISA shall file a complete copy of the record developed below with the Office of the Secretary no later than February 2, 2024.

ORDERED:



D. Michael Chappell  
Chief Administrative Law Judge

Date: January 24, 2024

# TAB 21



PUBLIC

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

IN THE MATTER OF \*  
DERRICK PARRAM, \* DOCKET NO. 9424  
APPELLANT. \*

APPELLANT’S REQUEST FOR CONTINUANCE OF HEARING

Now comes, Derrick Parram, Appellant, through counsel, Richard J. Hackerman and requests a continuance of the evidentiary hearing scheduled for February 7, 2024, and in support states:

1. Appellant’s counsel, Richard J. Hackerman has a previously planned vacation from February 4, 2024 through February 21, 2024 and will be unable to attend the hearing now scheduled for February 7, 2024.

2. Appellant’s counsel has emailed the court and the parties in this case to attempt to set an agreed date in the two to three week period after his return in the event the hearing is continued.

WHEREFORE, Appellant requests that the evidentiary hearing scheduled for February 7, 2024 be continued until an agreed date after February 21, 2024, and for such other and further relief as the nature of this cause may require.

PUBLIC

/s/ Richard J. Hackerman

---

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**CERTIFICATE OF SERVICE**

Pursuant to 16 CFR 1.146(a) and 16 CFR 4.4(b), a copy of the forgoing is being served this 26<sup>th</sup> day of January 2024, via First Class mail and/or email upon the following:

Office of the Secretary  
Federal Trade Commission  
600 Pennsylvania Avenue NW,  
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/s/ Richard J. Hackerman

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PUBLIC

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

IN THE MATTER OF

\*

DERRICK PARRAM,

\*

DOCKET NO. 9424

APPELLANT.

\*

ORDER FOR CONTINUANCE OF HEARING

Upon the motion for the continuance of the February 7, 2024 hearing, it is  
ORDERED, that the hearing set for February 7, 2024 be and is hereby continued.

Date: \_\_\_\_\_

\_\_\_\_\_  
Judge

# TAB 22

PUBLIC

**UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
OFFICE OF ADMINISTRATIVE LAW JUDGES**

In the Matter of	)	
	)	
Derrick Parram,	)	Docket No. 9424
	)	
Appellant.	)	
	)	

**ORDER GRANTING MOTION FOR CONTINUANCE  
AND RESETTING DATE FOR EVIDENTIARY HEARING**

On January 26, 2024, Appellant Derrick Parram (“Appellant”) filed a motion to continue the evidentiary hearing in this case, previously set for February 7, 2024, on the ground that he will be out of town and unavailable. Appellant requests that the hearing be reset to a date after February 21, 2024. Counsel for the Horseracing Integrity and Safety Authority does not object to the requested continuance. Counsel for the parties have informed the Court by e-mail that they are each available on March 1, 2024.

Based on the foregoing, Appellant’s motion is GRANTED and the evidentiary hearing in this matter, previously set for February 7, 2024, is hereby rescheduled to March 1, 2024 at 12:30 p.m. Eastern Standard Time.

ORDERED:



D. Michael Chappell  
Chief Administrative Law Judge

Date: January 26, 2024