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**UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION  
OFFICE OF ADMINISTRATIVE LAW JUDGES  
FTC DOCKET NO. D09434**

**ADMINISTRATIVE LAW JUDGE:**

**IN THE MATTER OF:**

**JIM IREE LEWIS**

**APPELLANT**

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**THE AUTHORITY'S RESPONSE TO APPELLANT'S APPLICATION FOR A STAY**

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**CERTIFICATE OF SERVICE**

Pursuant to 16 CFR 1.146(a) and 16 CFR 4.4(b), a copy of the Authority's Response is being served on July 15, 2024, via Administrative E-File System and by emailing a copy to:

Office of Administrative Law Judges  
Federal Trade Commission  
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Washington DC 20580  
Via e-mail to [Oalj@ftc.gov](mailto:Oalj@ftc.gov)

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Washington, DC 20580  
Via email: [electronicfilings@ftc.gov](mailto:electronicfilings@ftc.gov)

/s/ Bryan Beauman  
Enforcement Counsel

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The Horseracing Integrity and Safety Authority, Inc. (the “**Authority**”) files this Response to Appellant’s Application to stay sanctions issued pursuant to the Final Decision of June 11, 2024 by Arbitral Body member Hugh E. Hackney (the “**Arbitrator**”), under the Authority’s Anti-Doping and Medication Control (“**ADMC**”) Program. The Commission should deny Appellant’s request, as he has failed to satisfy the requirements for a stay articulated in 16 CFR § 1.148(d) and, given his limited request, a stay is not necessary.

First, the likelihood of Appellant’s success on review is low. The requirements of the ADMC Program Rules (the “**Rules**”) were appropriately followed by both the Horseracing Integrity & Welfare Unit (“**HIWU**”) and the Arbitrator.

Appellant’s claim that Rule 7260 was not followed is meritless. Appellant and his counsel were given every opportunity consistent with the Arbitration Procedures, including Rule 7260, to submit evidence before the Arbitrator. Appellant claims that the testimony of HIWU’s expert, Dr. Heather Kynch, is “incomplete,” but his counsel had the opportunity to fully cross-examine her at the hearing. In addition, even though he had an opportunity to do so, Appellant never offered an expert report or expert testimony to rebut Dr. Kynch’s testimony in the proceeding below.

Appellant’s claim that supplemental evidence relating to other matters involving the collection of hair samples for analysis and “recent synthetic versions” of Clenbuterol will lead to a different result under the ADMC Program Rules is misguided at best. Any other matters involving the collection of hair samples for analysis are clearly distinguishable on both a factual and scientific basis from Appellant’s case. Facts relating to “recent synthetic versions” of Clenbuterol are only relevant if Appellant can show that his Covered Horse Hughie’s Holiday was administered one of these forms of the Prohibited Substance which resulted in his Adverse Analytical Finding.

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Most importantly, Appellant presented no evidence and has no evidence to establish the source of the Clenbuterol in his Covered Horse's Sample, which is a pre-condition to getting reduced Consequences under with both Rule 3224 (No Fault or Negligence) and Rule 3225 (No Significant Fault or Negligence). Moreover, Appellant is seeking a reduction in his financial penalties; however, his fine was already reduced from \$25,000 (as would normally be imposed when the period of Ineligibility imposed is two years) to \$15,000. He was also sanctioned the nominal amount of \$5,000 for adjudication costs.

Second, Appellant will not suffer irreparable harm. Appellant is only seeking a stay of the financial penalties imposed in the Final Decision. Under Rule 3232(a), Appellant is not required to pay these amounts in full until the end of his period of Ineligibility, which lasts through September 21, 2025, more than one year away. Any proceedings before this Court will be completed long before that date.

Lastly, given Appellant's limited request for a stay, the third and fourth prongs of the relevant standard are not implicated in this case.

Therefore, the Authority requests that the Commission deny Appellant's Application for a stay.

ALL OF WHICH IS RESPECTFULLY SUBMITTED THIS 12th day of July, 2024.

/s/Bryan H. Beauman

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