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

Administrative Law Judge: Jay L. Himes

_____)	
IN THE MATTER OF:)	
DR. MICHAEL J. GALVIN)	Docket No. 9445
)	
<i>Appellant.</i>)	
_____)	

**APPELLANT’S REPLY TO HISA’S PROPOSED FINDINGS
OF FACT**

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Appellant Dr. Michael J. Galvin submits the following Reply to HISA's Proposed

Findings of Fact:

REPLY FINDINGS OF FACT

I. Background to the Charges

1. *HIWU received information that Galvin disposed of materials for the administration of unreported intraarticular injections and possessed other banned substances at Belmont Park.¹ HIWU conducted a search of Galvin's property at Belmont Park in September 2023.² Investigators discovered Galvin's veterinary notebook which, among other things, listed various trainers and horses Galvin examined or treated on given dates along with dollar amounts next to some treatments. Galvin would often cross through a trainer's name indicating he had completed his work for that trainer on that day.³ HIWU photocopied Galvin's notebook obtained during the search and returned the original to him.*

Disagree. HIWU received an anonymous tip that Dr. Galvin disposed of vials of hyaluronic acid, and had received "Thyro-L" through the mail system at Belmont. There was no testimony regarding "unreported intraarticular injections," and the investigation of the anonymous tip did not result in any charges. [AB, Tab 46 at 1016-1017 (CERIANI)] In turn, the naked characterizations of Dr. Galvin's "veterinary notebook" are unsupported by any witness testimony – including testimony that any listed horse was "examined or treated" by Dr. Galvin, or any testimony that Dr. Galvin "would ... cross through a trainer's name indicating he had completed his work for that trainer" Finally, there was no chain-of-custody testimony regarding the notebook, rendering it inadmissible in the proceeding.

2. *HIWU Melissa Stormer conducted the investigatory analysis of Galvin's veterinary notebook, consulting with Dr. Patricia Marquis at HIWU to verify technical and veterinary abbreviations and terms. Stormer created a spreadsheet detailing the entries from Galvin's notebook that included: dates of treatments, horses treated, and the trainers for whom the work was done, then compared these items to the veterinary treatment records Galvin had entered in the HISA Portal identifying records that had not been reported.⁴*

¹ AB-46_Ceriani_1016:11-23.

² AB-46_Ceriani_1020:13-14.

³ AB-28 at 380-481.

⁴ AB-27_Stormer_145:22-146:5; 148:18-22.

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Agree in part. HIWU investigator Stormer created a spreadsheet that contained her interpretation of entries in the objected-to “veterinary notebook,” and she performed a search to determine whether her interpretations were reflected in HISA Portal entries.

3. *In September 2023, while Stormer was reviewing Galvin’s notebook, HIWU issued Galvin a “Demand for Business Records,” which sought production of all purchase records for veterinary supplies, purchase records from any online veterinary supplier, and accounting records for any services provided to horses for the prior year.*⁵

Agree.

4. *On November 13, 2023, Galvin, through counsel, responded to the request for records (“Galvin’s production”). Galvin’s production included a written explanation and exhibits: A–“Patterson Veterinary Supply Invoices;” B–“Saudi Tyro Invoices;” C–“Trainer Ray Handal-produced records;” D–“HISA and ESAL Entries;” and E–“Galvin ‘Work Done’ Entries.”*⁶ *Important for this appeal, the “Trainer Ray Handal-produced records” contains Handal’s records of treatments performed by Galvin, and the “Galvin ‘Work Done’ Entries” is a list created by Galvin purporting to be “Work Done from 9/1/22-9/1/23” and includes a list of treatments with corresponding dates, trainers, and horses.*⁷

Agree in part. The referenced “request for records” sought “purchase records” for veterinary supplies, and “accounting records” for services provided. No demand was made for “treatment records,” and counsel’s cover letter for the production did not characterize the documents as such. Further, Dr. Galvin’s Post-Hearing Brief [AB, Tab 54 at pp. 1267-1284] showed that his production satisfied Rule 2251(b)’s filing requirements because, during the entirety of 2023, HISA permitted veterinarians to submit hard copies of treatment records in lieu of Portal submissions (the “paper-and-pen” treatment reporting option).

5. *Stormer added Galvin’s production to her analysis and compared these additional veterinary records to those in the Portal. Her review identified numerous examinations and treatments recorded in Galvin’s personal notebook and identified in his “Work Done” production that had not been logged by Galvin in the Portal.*⁸

⁵ AB-70 at 1437-1439.

⁶ AB-29 at 482-616.

⁷ AB-29 at 482-616.

⁸ AB-27_Stormer_157:5-14.

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Agree in part, but question Stormer's interpretation of Rule 2251(b) and the accuracy of her identification of "treatments" purportedly missing from HISA's Portal system. See Appellant's Proposed Findings of Fact, ¶ 19 (Stormer opined that every time a veterinarian "eyeballed" a horse, the occurrence needs to be entered in HISA's portal, and she could not tell from the records she examined whether Dr. Galvin simply "eyeballed" a horse or performed some actual treatment). Again note that there was no chain-of-custody testimony regarding the notebook, rendering it inadmissible in the proceeding, and that counsel's "Work Done" production met the requirements of HISA's interim "pen-and-paper" filing option, rendering further Portal entry of the records unnecessary.

6. *The discrepancies of entries in Galvin's notebook and records entered in the Portal focused HIWU's further investigation into Galvin's recordkeeping.⁹ In March 2024, HIWU issued requests for records from trainers and owners Galvin identified in his notebook and in the Galvin production.¹⁰*

Agree in part, but note that HIWU had no jurisdiction over alleged Rule 2251(b) violations, and that HIWU's request for trainer records was not pursuant to any supposed "investigation into Galvin's recordkeeping."

7. *Stromer [sic] utilized 13 of the trainer responses to the HIWU request for records. Again, she compared those listed treatments to Galvin's records entered in the Portal and identified numerous other unreported treatments.¹¹*

Agree in part, but note that Dr. Galvin preserved his objections to the lack of evidentiary foundation for the trainer/owner records utilized in the proceeding. Dr. Galvin's position on the issue was set out in full in his Post-hearing Brief [AB, Tab 53 at pp. 1271-1273], in his direct

⁹ AB-46_Ceriani_1020:15-25.

¹⁰ AB-27_Stormer_159:10-160:15.

¹¹ AB-30 through AB-42 at 617-879 (AB-42 also contains documentation from John Kasbar, an owner for whom Mr. Noda trained Covered horses. AB-27_Beauman_206:24-207:10).

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appeal to the HISA Board [AB, Tab 59 at 1339-1345], and in his Supporting Brief on this appeal [POINT IV, at 13-17]

8. *After adding these records to her comparison,¹² Stormer determined that Galvin had sporadically entered some of his treatment records in the Portal and failed to enter the majority in the Portal.¹³*

Disagree. Stormer did not testify regarding either “sporadic” or “majority” entries of treatment records.

II. Prior Communication with the Authority

9. *Galvin registered with the Authority as a Covered Person and Veterinarian. Given his status, he had login information to access the HISA Portal and input his veterinary treatment records in in the Portal.¹⁴*

Agree.

10. *On May 12, 2023, Galvin noted in his veterinary notebook that he communicated with HIWU investigator Brett Smith regarding Rule 2251(b) reporting requirements.¹⁵ Galvin’s veterinary treatment notebook also contained contact information for Tracy Gilman, HISA field support, who is available to assist veterinarians with questions relating to use of the Portal and entry of veterinary treatment records.¹⁶*

Disagree, as there was no chain-of-custody proof regarding the supposed “veterinary notebook,” and no testimony regarding who made entries in the notebook.

11. *On June 15, 2023, enforcement counsel for the Authority issued Galvin a warning letter expressing that continued noncompliance with Rule 2251(b) could result in an enforcement action with possible sanctions. That letter also provided guidance on how to enter veterinary treatment records in the Portal.¹⁷*

Agree.

12. *On February 21, 2024, enforcement counsel for the Authority issued Galvin another warning letter regarding his failure to submit veterinary treatment records for FOREIGN*

¹² AB-27_Stormer_213:5-10.

¹³ AB-27_Stormer_213:5-10.

¹⁴ AB-27_Stormer_150:6-8.

¹⁵ AB-28 at 403.

¹⁶ AB-28 at 403.

¹⁷ AB-1 at 1-3.

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*INFLUENCE. The letter again informed Galvin that failure to comply with Rule 2251(b) could lead to enforcement actions and potential sanctions.*¹⁸

Agree.

III. Notice and Procedural History

13. *On August 23, 2024, HISA issued Galvin a Notice of Violation for noncompliance with Rule 2251(b) – failure to enter veterinary treatment records in the Portal.*¹⁹

Agree.

14. *The Notice of Violation stated that Galvin “failed to report to HISA approximately 3,951 treatments administered to 497 horses between January 1, 2023 and March 7, 2024.”*²⁰

Agree.

15. *On August 29, 2024, Galvin, through counsel, responded to the Notice of Violation and asked the Authority to “revoke the Notice and immediately remove same from HISA’s website.”*²¹

Agree, and note that counsel objected to the Notice of Violation (“failed to report ... 3,951 treatments administrated to 497 Covered Horses”) as violative of the specificity requirements of HISA Rules 8200(d) and 8380.

16. *On October 29, 2024, enforcement counsel for the Authority provided a Summary Exhibit in the form of an Excel file spreadsheet that consolidated Stormer’s investigation.*²² *The Summary Exhibit logged all veterinary treatments and examinations that were not entered in the Portal and were drawn from information in the Galvin’s veterinary treatment notebook, the Galvin Production, and documents from other trainers received in response to records requests. The Summary Exhibit was searchable, and indicated trainer, horse, date of treatment, and primary source of the record. At the same time, counsel provided copies of the original source documents supporting the Summary Exhibit.*²³

¹⁸ AB-2 at 4-6.

¹⁹ AB-3 at 7-12.

²⁰ AB-3 at 7-12.

²¹ AB-4 at 13-15.

²² AB-43(Excel); Counsel’s cover email is at AB-71 at 1440-1441.

²³ AB-43(Excel); AB-71 at 1440-1441.

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Agree in part but note that, *inter alia*, the referenced October 29, 2024 document was denominated a “Preliminary” summary exhibit; when introduced during the hearing, several entries were acknowledged to be inaccurate, duplicative and/or misleading; and HISA’s failure to establish an evidentiary foundation for the underlying source documents rendered the summary exhibit equally inadmissible. Dr. Galvin’s further challenges to the admissibility of the summary exhibit are set forth in his Supporting Brief herein, POINT IV at 16-17]

17. *On October 30, 2024, the Internal Adjudication Panel (“IAP”) member conducted an initial pre-hearing conference.*²⁴

Agree.

18. *On November 19, 2024, the IAP conducted a second pre-hearing conference.*²⁵ *The IAP Member then issued a procedural schedule with deadlines for position statements on depositions, discovery requests and responses, pre-hearing disclosures, and the dates for the evidentiary hearing.*²⁶

Agree.

19. *On December 16, 2024, enforcement counsel served its Position Statement on Depositions.*²⁷ *On the same day, counsel for Galvin sent the IAP and enforcement counsel for the Authority a letter detailing his request for depositions and additional discovery, a request for a stay in proceedings, and a request for an additional status conference.*²⁸

Agree.

20. *On January 3, 2025, the IAP sent the parties an email with her order ruling that depositions were not permitted.*²⁹ *She also addressed Galvin’s request for another status conference: “I have no objection to this request and ask that Mr. Bonstrom provides several dates that can be considered by the other parties.”*³⁰ *Counsel for Galvin did not reply to this email or provide the IAP or enforcement counsel with proposed dates for another status conference.*³¹

²⁴ AB-8 at 22-27; AB-9(video).

²⁵ AB-10(video).

²⁶ AB-10(video); AB-11 at 31.

²⁷ AB-13 at 36; AB-14 at 39-51.

²⁸ AB-12 at 33-34.

²⁹ AB-15 at 53; AB-16 at 55.

³⁰ AB-15 at 53.

³¹ AB-58 at 1311-1312.

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Agree, but add that counsel overlooked the IAP Member's request that he propose dates for the requested status conference.

21. *On February 19, 2025, counsel for Galvin sent the IAP a letter requesting a status conference to discuss dispositive motions.*³²

Agree, but add that the IAP Member did not respond to counsel's renewed request for a status conference.

22. *On February 24, 2025, enforcement counsel for the Authority submitted its prehearing statement to the IAP and served a copy on counsel for Galvin.*³³ *On the same day, counsel for Galvin sent the IAP another letter indicating they were unable to supply a pre-hearing memorandum.*³⁴

Agree, but add that counsel articulated the reasons for being unable to file a pre-hearing memorandum: "Our requests for a status conference have raised the issues of Enforcement Counsel's noncompliance without our discovery demands and the need for *in limine* and dispositive motions. Because our requests have been ignored this matter is not remotely ripe for adjudication" [AB, Tab 19 at p. 70]

23. *On March 6, 2025, the IAP responded to Galvin's counsel.*³⁵ *She informed him that she previously offered a status conference, but he "failed to provide any dates to be considered."*³⁶ *In reference to an alleged "newly discovered conflict," the IAP instructed counsel for Galvin to provide an explanation of said conflict by March 7, 2025.*³⁷

Agree.

24. *On March 7, 2025, counsel for Galvin responded to the IAP's request with a letter explaining that enforcement counsel would be a fact witness in this case and should be disqualified from representing the Authority.*³⁸ *He also submitted a Motion to Dismiss on the same day.*³⁹

³² AB-17 at 57.

³³ AB-18 at 59-68.

³⁴ AB-19 at 70.

³⁵ AB-20 at 72.

³⁶ AB-20 at 72.

³⁷ AB-20 at 72.

³⁸ AB-21 at 74-75.

³⁹ AB-23 at 79-99.

Agree.

IV. IAP Hearing, March 10-11, 2025

25. *The IAP conducted an evidentiary hearing on March 10-11, 2025.*⁴⁰

Agree.

26. *Enforcement counsel presented witness testimony from HIWU investigator Melissa Stormer⁴¹ and HIWU Chief of Science Dr. Mary Scollay.⁴² Enforcement counsel requested to call Galvin as a witness.⁴³ However, despite being the respondent named and identified as a witness on the Authority's pre-hearing statement,⁴⁴ Galvin failed to appear at the hearing on the advice of his counsel.⁴⁵*

Agree in part, but note that (i) enforcement counsel identified 14 trainers as potential witnesses on its case, but none were produced to testify; (ii) on the defense case Dr. Galvin sought testimony from HIWU Director of Intelligence & Strategy Naushaun Richards, but he was declared unavailable owing to other unspecified commitments; and (iii) counsel requested a brief adjournment to facilitate Dr. Galvin's appearance in the proceeding, but enforcement counsel opposed and the IAP Member denied the request. [AB, Tab 64 at pp. 1384-1386]

27. *Though Galvin did not submit a witness list or any responsive prehearing submission, counsel for Galvin informed the IAP after the first day of the hearing that he intended to call HIWU investigations counsel Zach Ceriani and HISA help desk support person Tracy Gilman as witnesses.⁴⁶ Even with no prior notice, enforcement counsel made Mr. Ceriani and Ms. Gilman available for testimony the following day.⁴⁷ Counsel for Galvin entered no exhibits in the record.⁴⁸*

⁴⁰ AB-26 and 27(videos).

⁴¹ AB-27_Stormer_144:2-347:1.

⁴² AB-46_Scollay_887-936:6.

⁴³ AB-46_Royse_936:7-9.

⁴⁴ AB-18 at 63.

⁴⁵ AB-46_Bonstrom_941:17-18.

⁴⁶ AB-27_Bonstrom_351:17-352:20.

⁴⁷ AB-46_Gilman_991:10-1006:11; AB-46_Ceriani_1009:16-1042:22; AB-46_Royse_988:16-25. Counsel for Galvin also requested to call Naushaun Richards, HIWU Director of Intelligence & Strategy, as a witness on the second day of the hearing. Mr. Richards was unavailable due to a preexisting commitment.

⁴⁸ AB-27 at 137-379; AB-46 at 883-1080.

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Agree in part, but add that Dr. Galvin was denied the opportunity to depose Messrs. Ceriani and Richards and Ms. Gilman, and further note that no protocols were set for the conduct of the hearing – including provisions for screensharing and introduction of exhibits – despite Dr. Galvin’s repeated pre-hearing requests for status conferences to address that and other issues.

V. Evidence of Non-Reporting of Veterinary Records in the Portal

28. *In her testimony, Stormer provided the information above about her investigation and conducted a live demonstration of her comparative analysis of Galvin’s veterinary examinations and treatments to records in the Portal.*⁴⁹

Disagree, because all of the records relied upon by Ms. Stormer lacked an evidentiary foundation and were objected to on that ground. Dr. Galvin’s position on the lack of competent foundation for HISA’s exhibits is set forth in his Supporting Brief, POINT IV at pp. 13-17.

29. *For example, Stormer demonstrated:*

a. *Trainer Rob Atras produced veterinary treatment records for AWESOME GLO indicating Galvin treated the horse 19 times.*⁵⁰ *Galvin did not enter any of these records in the Portal.*⁵¹

Disagree with the characterization of the documents as “veterinary treatment records,” and disagree for the reasons stated, supra, in response to Proposed Finding of Fact No. 28.

b. *BARRAGE, a horse trained by Ray Handal, received a “lameness exam,” “dexamethasone shot,” “bute,” and “polyglycan” over October 2 and October 3, 2023 according to veterinary treatment records Mr. Handal submitted to HIWU.*⁵² *None of these records had been entered in the Portal.*⁵³

Disagree with the characterization of the documents as “veterinary treatment records,” and disagree for the reasons stated, supra, in response to Proposed Finding of Fact No. 28.

⁴⁹ AB-27_Stormer_233:1-255:20.

⁵⁰ AB-27_Stormer_233:1-236:2; AB-31 at 697-699; AB-43(Excel) rows 55-73.

⁵¹ AB-27_Stormer_233:1-235:24; AB-51 at 1208-1209.

⁵² AB-30 at 679.

⁵³ AB-27_Stormer_236:20-238:22; AB-43(Excel) rows 2234-2237; AB-51 at 1210-1211.

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- c. *No records of veterinary treatment record of Galvin for AWESOME FORCE are in the Portal despite his trainer providing records of treatment for August 22 and September 1, 2023.*⁵⁴

Disagree with the characterization of the documents as “records of treatment,” and disagree for the reasons stated, supra, in response to Proposed Finding of Fact No. 28

- d. *Galvin logged in his veterinary treatment notebook that he completed “work done” for BOWL OF CHERRIES on July 12 and August 7, 2023.*⁵⁵ *However, upon a search of the Portal, Galvin had not entered either of those records in the Portal.*⁵⁶ *Equibase records reflect that BOWL OF CHERRIES worked out on August 8, raced on August 11, worked out on August 22, 27, 31 and September 6, 10, and 23, and raced on September 28, 2023.*⁵⁷ *BOWL OF CHERRIES suddenly died on September 29, 2023.*⁵⁸ *Galvin entered no veterinary treatment records for BOWL OF CHERRIES in the Portal from July 20 to September 2023.*⁵⁹

Disagree with the characterization of “veterinary treatment notebook”; disagree for the reasons stated, supra, in response to Proposed Finding of Fact No. 28; and disagree that Equibase records and equine mortality observations have any relevance to any issue in the proceeding.

- e. *LA AGUILILLA, according to the Galvin Production, had “work done” on April 25, May 17, June 13, June 20, July 30, and August 22, 2023.*⁶⁰ *None of these “work done” records appeared in the Portal.*⁶¹ *Equibase records indicate that LA AGUILILLA worked out ten times and raced seven times between April and August 2023.*⁶² *LA AGUILILLA raced on August 25, 2023 and suddenly died a month later.*⁶³

⁵⁴ AB-27_Stormer_238:23-243:7; AB-32 at 741-742; AB-43(Excel) rows 1996-2000; AB-51 at 1212-1213.

⁵⁵ AB-48 at 1160-1175; AB-29 at 612, 614.

⁵⁶ AB-51 at 1214.

⁵⁷ Equibase is a public database and is the official accepted source for horseracing statistics, results, dates of entries, workout times, and the names of trainers, owners for thoroughbred and quarter horses. AB-51 at 1215-1216; AB-27_Stormer_245:5-18.

⁵⁸ AB-27_Stormer_245:19-23.

⁵⁹ AB-27_Stormer_244:7-246:2.

⁶⁰ AB-29 at 607-615.

⁶¹ AB-27_Stormer_252:1-253:9; AB-51 at 1217-1222.

⁶² AB-27_Stormer_246:10-254:5; AB-51 at 1220-1221.

⁶³ AB-27_Stormer_254:12-13; AB-51 at 1222.

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Disagree on grounds there was no foundation that the referenced “work done records” were veterinary treatment records, and because the IAP Member found those records contained insufficient detail of any such treatments [AB, Tab 58 at p. 1313], and disagree that Equibase records and equine mortality observations have any relevance to any issue in the proceeding

- f. *The Galvin Production indicated Galvin completed “work done” on LAWFUL on June 12 and July 6, 2023,⁶⁴ yet these records were absent from the Portal.⁶⁵ According to Equibase records, LAWFUL raced on June 15 and July 9, 2023 – shortly after Galvin’s Production indicated he performed work on the horse – and worked out multiple times from June to August 2023.⁶⁶ LAWFUL was euthanized on August 2, 2023,⁶⁷ the same day the horse completed a workout.⁶⁸*

Disagree on grounds there was no foundation that the referenced “work done” records were veterinary treatment records, and because the IAP Member found those records contained insufficient detail of any such treatments [AB, Tab 58 at p. 1313], and disagree that Equibase records and equine mortality observations have any relevance to any issue in the proceeding.

30. *Enforcement counsel for the Authority made a proffer of the cross-examination, testimony, and evidence it would have presented through Galvin if he had appeared at the hearing.⁶⁹*

Agree in part, but **disagree that the referenced exhibit [AB-48] was either offered or accepted in evidence**, and note that counsel was denied the opportunity to object to the questions posed by enforcement counsel.

- a. *On May 4, 2023, BIG PACKAGE was claimed by trainer Oscar Barrera.⁷⁰ Galvin provided multiple treatments to BIG PACKAGE on May 11, 2023, and he recorded the amount he charged for each treatment in his notebook.⁷¹ Galvin treated BIG PACKAGE*

⁶⁴ AB-29 at 610, 612.

⁶⁵ AB-27_Stormer_255:3-6; AB-51 at 1223-1224.

⁶⁶ AB-27_Stormer_255:7-16; AB-51 at 1225-1226.

⁶⁷ AB-27_Stormer_255:17-19.

⁶⁸ AB-51 at 1225-1226.

⁶⁹ AB-46_Bonstrom/Royse_939:25-994:11(AB-48 at 1084-1187)(AB-48 is the exhibit used in the proffer).

⁷⁰ AB-46_Royse_948:12-17(AB-48 at 1096).

⁷¹ AB-46_Royse_948:22-949:7(AB-48 at 1097-1101).

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again on June 15, 2023, and denoted he charged a total of \$520 for right and left fetlocks, iron, Lasix, scope, “jug/vit,” “bute” and “nartq.”⁷² BIG PACKAGE raced on June 15, 2023, and was claimed in that race for \$62,500.⁷³ Despite Galvin’s veterinary treatment notebook indicating he treated the horse on May 11, June 1, and June 15, 2023, no such treatment records appear in the Portal.⁷⁴ Galvin also did not list any “work done” for BIG PACKAGE in the Galvin Production.⁷⁵ BIG PACKAGE never raced again after June 15, 2023.⁷⁶

Disagree with the characterization of the exhibit as a “veterinary treatment notebook,” disagree because the referenced notebook lacked a chain-of-custody evidentiary foundation [see Supporting Brief, POINT IV at 17], and disagree that Equibase records regarding workout or race history have any relevance to any issue in the proceeding.

- b. *SCOTT ALAIA raced for Pristine Racing on April 20, 2023, and Mr. Barrera claimed the horse on that day.⁷⁷ Galvin’s treatment notebook indicated he treated SCOTT ALAIA on May 11, June 1, and June 15, 2023.⁷⁸ Galvin recorded the amount he billed for each treatment he provided on June 15, 2023.⁷⁹ Yet, despite his treatment notebook, no record of these treatment exist on the Portal⁸⁰ or in the “work done” records listed in the Galvin Production.⁸¹*

Disagree with the characterization of the exhibit as a “treatment notebook,” and disagree because the referenced notebook lacked a chain-of-custody evidentiary foundation [see Supporting Brief, POINT IV at 17].

- c. *FENWAY raced for Mr. Barrera on May 14, 2023.⁸² Galvin’s treatment notebook indicated he treated FENWAY’s fetlocks on May 11, 2023;⁸³ and the horse raced on*

⁷² AB-46_Royse_951:14-952:1 (AB-48 at 1102-1104).

⁷³ AB-46_Royse_952:21-953:23(AB-48 at 1108-09).

⁷⁴ AB-46_Royse_952:2-21(AB-48 at 1106-07).

⁷⁵ AB-46_Royse_954:16-955:7(AB-48 at 1106, 1113-1115).

⁷⁶ AB-46_Royse_953:20-23(AB-48 at 1110).

⁷⁷ AB-46_Royse_947:23-948:7(AB-48 at 1093).

⁷⁸ AB-46_Royse_955:8-956:21(AB-48 at 1117-1121).

⁷⁹ AB-46_Royse_951:4-13(AB-48 at 1093).

⁸⁰ AB-46_Royse_956:14-957:2(AB-48 at 1122).

⁸¹ AB-46_Royse_957:3-13(AB-48 at 1123-1124).

⁸² AB-46_Royse_948:8-11(AB-48 at 1094).

⁸³ AB-46_Royse_957:21-25(AB-48 at 1127-1128, 1134).

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May 14, 2023.⁸⁴ Galvin also treated FENWAY on June 1, 2023,⁸⁵ and the horse raced on June 4, 2023 in a claiming race.⁸⁶ A regulatory veterinarian voided the claim of FENWAY because the horse was lame, and the horse never raced again.⁸⁷ Galvin never entered any veterinary treatment records for FENWAY in the HISA Portal, and he never reported “work done” to FENWAY in the Galvin Production.⁸⁸

Disagree with the characterization of the exhibit as a “treatment notebook,” disagree because the referenced notebook lacked a chain-of-custody evidentiary foundation [see Supporting Brief, POINT IV at p. 17], disagree that the referenced notebook evidences any treatment of fetlocks, and disagree that Equibase records regarding race history or actions of any regulatory veterinarian have any relevance to any issue in the proceeding.

- d. *PROVEN HOPE* raced for Mr. Barrera on May 14, 2023.⁸⁹ Galvin’s treatment notebook indicated he treated *PROVEN HOPE* multiple times.⁹⁰ Specifically, Galvin treated the horse on June 15, 2023, and Galvin recorded the amount he billed for each treatment he provided.⁹¹ No such record exists in the Portal.⁹²

Disagree with the characterization of the exhibit as a “treatment notebook,” and disagree because the referenced notebook lacked a chain-of-custody foundation evidentiary foundation {see Supporting Brief, POINT IV at p.17].

- e. *Galvin reported that he performed “work done” on SHE’S A NINE, trained by Rob Atras,⁹³ on April 26, May 18, and July 13, 2023.⁹⁴ However, Mr. Atras’s produced records indicate that Galvin treated SHE’S A NINE on April 27, April 29, May 19, May 21, July 14, and July 16, 2023.⁹⁵ No veterinary treatment records exist in the Portal for*

⁸⁴ AB-46_Royse_958:9-15(AB-48 at 1129).

⁸⁵ AB-46_Royse_958:16-21(AB-48 at 1130-1131, 1134).

⁸⁶ AB-46_Royse_958:22-25(AB-48 at 1132-1133).

⁸⁷ AB-46_Royse_959:4-11(AB-48 at 1132).

⁸⁸ AB-46_Royse_959:12-20(AB-48 at 1135-1136).

⁸⁹ AB-46_Royse_947:19-22(AB-48 at 1092).

⁹⁰ AB-46_Royse_951:4-7(AB-48 at 1087-1090).

⁹¹ AB-46_Royse_951:4-7(AB-48 at 1102).

⁹² AB-43(Excel).

⁹³ AB-29 at 608-613.

⁹⁴ AB-46_Royse_959:23-964:4(AB-48 at 1139-1140).

⁹⁵ AB-46_Royse_960:25-961:15(AB-31 at 686-695).

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the horse from April 2023 to July 2023.⁹⁶ SHE'S A NINE did not race again after July 16, 2023.⁹⁷

Disagree on grounds there was no foundation that the referenced “work done” records were veterinary treatment records, and because the IAP Member found those records contained insufficient detail of any such treatments [AB, Tab 58 at p. 1313], and because the documents characterized as “Atras records” lacked any evidentiary foundation.

f. Trainer David Jacobson appears in Galvin's veterinary treatment notebook multiple times, and the Galvin Production mentions he completed “work done” for Mr. Jacobson 180 times.⁹⁸ Yet not a single correlating Portal entry exists for any of those treatments.⁹⁹

Disagree with the characterization of the exhibit as a “veterinarian treatment notebook,” disagree because the referenced notebook lacked a chain-of-custody evidentiary foundation [see Supporting Brief, POINT IV at p.17], and disagree because there was no foundation that the referenced “work done” records were veterinary treatment records, and the IAP Member found those records contained insufficient detail of any such treatments [AB, Tab 58 at p. 1313].

g. The Galvin Production refers to several “work done” for trainer Chris Englehart.¹⁰⁰ Galvin never made any corresponding record entries in the Portal for horses trained by Mr. Englehart.¹⁰¹

Disagree because there was no foundation that the referenced “work done” records were veterinary treatment records, and because the IAP Member found those records contained insufficient detail of any such treatments [AB, Tab 58 at p. 1313]

31. *Galvin sporadically entered records in the Portal. From July 2022 to February 2025, he submitted 3,121 veterinary treatment records to the Portal.¹⁰² Nearly 80%, 2,474, were*

⁹⁶ AB-46_Royse_963:9-20(AB-48 at 1146).

⁹⁷ AB-46_Royse_963:19-20(AB-48 at 1141).

⁹⁸ AB-46_Royse_976:10-21.

⁹⁹ AB-46_Royse_971:9-977:9(AB-48 at 1169-1175).

¹⁰⁰ AB-46_Royse_977:10-13.

¹⁰¹ AB-46_Royse_977:13-979:12(AB-48 at 1178-1187).

¹⁰² AB-44(Excel file of Galvin records entered in the Portal).

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entered in the six weeks between April 24-June 10, 2024.¹⁰³ Stormer testified that HIWU issued its treatment request letters to trainers for whom Galvin provided veterinary services in March 2024 - just before Galvin began submitting mass numbers of records.¹⁰⁴

Disagree that any of the referenced treatments or Portal entries have any relevance to the charge in this proceeding.

32. *Overall, the evidence at trial showed Galvin failed to input over 3,000 veterinary treatment records in the Portal.¹⁰⁵*

Disagree because the evidence at trial lacked an evidentiary foundation. [See Supporting Brief, POINT IV at pp. 13-17]

33. *In May 2023, Galvin entered one veterinary treatment record in the Portal.¹⁰⁶*

Disagree because the observation has no relevance to the charge in the proceeding.

34. *In June 2023, Galvin entered one veterinary treatment record in the Portal.¹⁰⁷*

Disagree because the observation has no relevance to the charge in the proceeding.

35. *In July 2023, Galvin entered no treatment records in the Portal.¹⁰⁸*

Disagree because the observation has no relevance to the charge in the proceeding.

36. *In August 2023, Galvin entered four treatment records in the Portal.¹⁰⁹*

Disagree because the observation has no relevance to the charge in the proceeding.

37. *From December 2023 to April 24, 2024, Galvin entered 32 treatment records in the Portal.¹¹⁰ Seven of those treatments occurred more than one month prior to their entry in the Portal, and one occurred more than one year prior to July 1, 2022.¹¹¹*

¹⁰³ AB-44(Excel); AB-27_Stormer_232:9-15.

¹⁰⁴ AB-27_Stormer_232:13-15.

¹⁰⁵ AB-43(Excel).

¹⁰⁶ AB-27_Stormer_226:9-10; AB-44(Excel).

¹⁰⁷ AB-27_Stormer_227:5-7; AB-44(Excel).

¹⁰⁸ AB-27_Stormer_227:8-9; AB-44(Excel).

¹⁰⁹ AB-27_Stormer_227:10-11; AB-44(Excel).

¹¹⁰ AB-27_Stormer_227:5-228:5; AB-44(Excel).

¹¹¹ AB-44(Excel), rows 9-14, 52-83 (when sorted by “Activity_Created_Date” Column 3).

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Disagree because the observations have no relevance to the charge in the proceeding.

38. *Galvin did not testify and offered no evidence to dispute the missing records that were not in the HISA Portal.*¹¹²

Agree in part, but note that enforcement counsel and the IAP Member rejected Dr. Galvin's request for a brief adjournment to facilitate Dr. Galvin's appearance in the proceeding, and that foundation objections were preserved as to all the purported "veterinary treatment records" introduced in the proceeding.

VI. Impact of Veterinary Records in the HISA Portal

39. *HIWU scientists and veterinarians use the veterinary examination and treatment records in the Portal to assess the records of all laboratory findings of a potential anti-doping and controlled medication violation. Timely and accurate data in the Portal allows HIWU to better understand and review laboratory testing results.*¹¹³

Agree this accurately reflects the hearing testimony of now-departed HIWU Chief of Science Dr. Mary Scollay, but note there was no ADMC violation at issue in the proceeding, nor any testimony regarding laboratory findings.

40. *The veterinary records in the Portal also provide important information to regulatory veterinarians who conduct pre-race examinations of horses. The complete health history of a horse enables regulatory veterinarians to prioritize examinations of horses at a greater risk of injury as indicated by health history.*¹¹⁴

Agree this accurately reflects Dr. Scollay's hearing testimony.

41. *Timely and accurate horse health information in the Portal also ensures regulators can verify that horses competing in races comply with health and medication rules.*¹¹⁵ *Record reporting is also critical to ensure Attending Veterinarians and subsequent owners and trainers of the Covered Horse have a complete picture of the horse's health history.*

Agree this accurately reflects Dr. Scollay's hearing testimony.

¹¹² AB-26 and AB-45 (videos).

¹¹³ AB-46_Scollay_891:3-9.

¹¹⁴ AB-46_Scollay_891:13-892:5.

¹¹⁵ AB-46_Scollay_894:11-895:5.

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42. *The Veterinarian's List is used by regulators to identify horses that are ineligible to race or workout for health reasons.¹¹⁶ For example, horses treated with intraarticular injections are placed on the Veterinarian's List and are prohibited from racing for 14 days and prohibited from conducting a workout for 7 days. If that injection occurs in the fetlock, the standdown times increase to 30 days for racing and 14 days for workouts.¹¹⁷ Intraarticular injections are anti-inflammatory injections that may cover up symptoms of an injury from a regulatory veterinarian or trainer's pre-race examination. Masked symptoms increase the risk of injury to horses because the underlying condition has not been resolved – only the symptoms.¹¹⁸*

Agree this accurately reflects Dr. Scollay's hearing testimony, but note the gratuitous observations regarding "intraarticular injections" were irrelevant to any issue in the proceeding, and only served to confuse the IAP Member, as evidenced by the IAP Member's erroneous findings on the issue. [See Supporting Brief, POINT I at p. 5]

Dated: March 5, 2026

Respectfully submitted,

/s/ Kim P. Bonstrom

¹¹⁶ AB-46_Scollay_895:24-897:9.

¹¹⁷ AB-46_Scollay_897:13-17. A fetlock is essentially the horse's ankle joint.

¹¹⁸ AB-46_Scollay_898:5-19.

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WORD COUNT AND SPECIFICATION CERTIFICATION

I, Kim P. Bonstrom, certify that the above Reply to HISA's Proposed Findings of Fact, was prepared using a computer Microsoft Word program, that I used Times New Roman Font, double spaced text, that I conducted a word count with the Microsoft program, and that this document is 1,804 words, exclusive of Cover, Word Count Specification Certificate of Service, and italicized Findings of Fact propounded by HISA.

March 5, 2026

/s/ Kim P. Bonstrom

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CERTIFICATE OF SERVICE

Pursuant to Federal Trade Commission Rules of Practice 4.2(c) and 4.4(b), a copy of the foregoing Statement is being served on March 5, 2026, via Administrative E-File System and by emailing a copy to:

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I hereby certify that no portion of the filing was drafted by generative artificial intelligence (“AI”) (such as ChatGPT, Perplexity, Microsoft Copilot, Harvey AI, or Google Gemini).

/s/ Kim P. Bonstrom
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