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

_____)	
In the Matter of)	
)	
Jena Antonucci,)	Docket No. 9450
)	
Appellant.)	
_____)	

ORDER ON APPLICATION FOR REVIEW

On May 1, 2026, after being granted leave, Jena Antonucci (“Appellant”) filed an Amended Notice of Appeal and Application for Review (“Amended Application for Review”) before the Federal Trade Commission (“FTC”). *See* 15 U.S.C. §§ 3501 *et seq.*; 16 C.F.R. § 1.146. The Amended Application for Review appeals the finding of liability and imposition of sanctions by the Horseracing Integrity and Safety Authority (“Authority”) based on a March 30, 2026 final decision (“Decision”) by an Internal Adjudication Panel (“IAP”). The IAP concluded that Appellant violated the Horseracing Integrity and Safety Act’s (“HISA”) Anti-Doping and Medication Control (“ADMC”) Program Rule 3312 based on the presence of a metabolite of lidocaine (a controlled substance) in a post-race blood sample from the horse Bee a Queen, for whom Appellant was the trainer. The IAP further found that Appellant failed to demonstrate her lack of fault or significant fault for the presence violation and ordered sanctions. Accordingly, the Authority imposed the following sanctions against Appellant: (1) a 15-day ineligibility period; (2) a fine of \$1,000; (3) the assignment of two penalty points; (4) public disclosure of the violation; and (5) disqualification of Bee a Queen’s race results and forfeiture of the applicable purse.¹

¹ On April 1, 2026, Appellant filed an Application for Stay of Final Civil Sanction and an Emergency Motion to Toll Civil Sanction while Application for Stay is Under Review. Based on agreement by the parties, effective April 2, 2026, the sanctions were stayed pending this review. *See* Order Granting Application for Stay of Final Civil Sanctions (FTC ALJ Apr. 2, 2026), https://www.ftc.gov/system/files/ftc_gov/pdf/615181.2026.04.02_order_granting_application_for_stay_of_final_civil_sanctions.pdf.

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Appellant seeks reversal or reduction of the sanctions on the basis that the IAP erred in finding she did not establish that she bore no fault (or significant fault) or negligence for the presence of the lidocaine metabolite in Bee a Queen. *See* ADMC Rules 3224 and 3225. Appellant requests an evidentiary hearing to “contest facts that the [IAP] claimed [it] found, the interpretation of the law that formed the basis for the imposition of the [s]anctions, the significance of the failure of HIWU to call any expert witnesses during the hearing, and to supplement the record with additional evidence and testimony.” Amended Application for Review at 3. Additionally, Appellant seeks to “provide evidence and/or testimony regarding prior cases where source was established under similar circumstances.” *Id.*

On May 11, 2026, the Authority filed its Response to the Amended Application for Review (“Amended Response”), asserting that the IAP applied the correct legal standards and requesting that the Decision be affirmed. The Authority opposes Appellant’s request for an evidentiary hearing, arguing that Appellant has failed to identify any additional evidence that she would proffer at an evidentiary hearing. Accordingly, the Authority argues that Appellant’s challenge is to the IAP’s interpretation and application of the law.

Pursuant to the FTC’s Procedures for Review of Final Civil Sanctions Imposed under HISA:

In reviewing the final civil sanction and decision of the Authority, the Administrative Law Judge may rely in full or in part on the factual record developed before the Authority through the disciplinary process under 15 U.S.C. 3057(c) and disciplinary hearings under Authority Rule Series 8300. The record may be supplemented by an evidentiary hearing conducted by the Administrative Law Judge to ensure each party receives a fair and impartial hearing. Within 20 days of the filing of an application for review, based on the application submitted by the aggrieved party or by the Commission and on any response by the Authority, the Administrative Law Judge will assess whether:

- (i) The parties do not request to supplement or contest the facts found by the Authority;
- (ii) The parties do not seek to contest any facts found by the Authority, but at least one party requests to supplement the factual record;

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- (iii) At least one party seeks to contest any facts found by the Authority; . . . or
- (v) In the Administrative Law Judge's view, the factual record is insufficient to adjudicate the merits of the review proceeding.

16 C.F.R. § 1.146(c)(2).

Having considered the Amended Application for Review and the Amended Response, I hereby determine that the parties do not seek to alter the factual record developed before the IAP. Instead, Appellant seeks only to contest the legal conclusions reached in the Decision. Appellant's argument regarding the "significance of the failure of HIWU to call any expert witnesses during the hearing" does not constitute a request to supplement the evidence. Further, any arguments regarding legal interpretations that Appellant now seeks to contest, including through the citation of "prior cases where source was established under similar circumstances," may be submitted on the briefing. Amended Application for Review at 3. Appellant's request for a hearing is therefore **DENIED**. Accordingly, the factual record will be deemed closed and no evidentiary hearing will be held; proceedings will be limited to briefing by the parties. 16 C.F.R. § 1.146(c)(3).

The parties are directed to concurrently file with the FTC's Office of the Secretary, by **June 10, 2026**, proposed findings of fact, conclusions of law, a proposed order, and a supporting legal brief providing the party's reasoning. Such filings are limited to 7,500 words, must be served on the other party, and must contain references to the record and authorities on which they rely. Reply findings of fact, conclusions of law and briefs, limited to 2,500 words, may be filed by each party within ten days of service of the initial filings. *Id.*

The parties should provide the Office of Administrative Law Judges with courtesy copies of all filings in both hard-copy and electronic formats, as well as provide hard copies of the Appeal Book.

Hardcopies should be sent to:

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FTC OALJ
Mail Stop HQ-144
c/o Brightkey Inc.
9050 Junction Drive
Annapolis Junction, MD 20701

ORDERED:

Dania L. Ayoubi

Dania L. Ayoubi
Acting Chief Administrative Law Judge

Date: May 14, 2026