PUBLIC

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

In the Matter of	)	
William E. March,	)	Docket No. 9451
Appellant.	)	

ORDER REMANDING CASE FOR HEARING
BEFORE INTERNAL ADJUDICATION PANEL

On April 1, 2026, William E. March ("Appellant") filed his application for review and request for dismissal of final civil sanctions ("Application for Review"). On May 18, 2026, the Horseracing Integrity and Safety Authority ("the Authority") filed its response to the Application for Review ("Response"), along with an Appeal Book ("AB").[1]

For the reasons set forth below, this matter is remanded to the Authority for further proceedings, with instructions that the Horseracing Integrity and Welfare Unit ("HIWU") convene a merits hearing before the Internal Adjudication Panel ("IAP").

I. Procedural Background

On February 4, 2026, HIWU served Appellant with an Equine Controlled Medication ("ECM") Notice of Alleged Controlled Medication Rule Violation ("CMRV") ("Notice"). The Notice informed Appellant that the A blood Sample collected from the horse Protest, for which Appellant is the trainer, following Race 7 at Tampa Bay Downs on January 14, 2026 resulted in an Adverse Analytical Finding ("AAF") for the presence of Phenylbutazone, a Class C

[1] The Authority's May 18, 2026 filing complied with the deadline set forth in my Order Setting Deadline for Authority's Response to Application for Review (May 8, 2026), which was entered following the FTC's Office of the Secretary's identification of a mail-processing issue.

Controlled Medication Substance. AB 5, 7. The Notice advised Appellant that if a CMRV determination was made or agreed to, the following consequences could be imposed:

1. A fine of $500 USD;

2. Assignment of 1.5 Penalty Points pursuant to the Authority's Anti-Doping Medication Control ("ADMC") Program Rule 3328;

3. Public Disclosure pursuant to ADMC Program Rule 3620; and

4. Disqualification of the results of Protest obtained in Race 7 at Tampa Bay Downs on January 14, 2026, and forfeiture of all purses and other compensation, prizes, trophies, points, and rankings and repayment or surrender (as applicable) to the Race Organizer pursuant to ADMC Program Rule 3321.

("Consequences"). AB 6. The Notice further advised Appellant that he had the right to request analysis of Protest's B blood Sample by February 9, 2026. AB 7. The Notice also advised Appellant of alternative options, including waiver of his right to request analysis of the B Sample and acceptance of the A Sample results; providing "substantial assistance" or admitting the alleged CMRV "with the potential benefit of receiving a reduction to any Consequences that may be imposed"; or entering into a case resolution without a hearing. AB 8. The Notice stated that "prior to the issuance of formal charges, you have the opportunity to provide an explanation to HIWU" and gave February 11, 2026 as the deadline for such explanation. AB 8.

As the record demonstrates, on February 9, 2026, Appellant emailed HIWU a response, in which he "move[d] for an immediate stay, followed by dismissal of any recommended disciplinary action from the alleged findings of HIWU's [report]." AB 22. In that response, he sets forth a number of factual issues. AB 23-24. On February 12, 2026, Appellant provided to HIWU what he titled a "REQUEST FOR PRODUCTION," in which he requested a number of items related to the laboratory that conducted the testing of the A sample. AB 34-36. Therein, he stated, "Please keep my 'B' sample Urine and Blood safely stored. . . . I **may** want a split sample in the future." AB 36 (emphasis in original). However, neither in that correspondence nor thereafter did Appellant request an analysis of the B Sample.

Accordingly, on February 13, 2026, the Authority served Appellant with an ECM Charge of CMRV. AB 40. Therein, HIWU informed Appellant of his obligation, by February 20, 2026,

to either (1) admit the CMRV charged and accept the Consequences, or (2) deny the CMRV and dispute the Consequences at a hearing on the merits before the IAP, in accordance with ADMC Program Rule 3361. AB 41-42.

On February 19, 2026, Appellant emailed HIWU a document titled "REQUEST FOR DISMISSAL OF CHARGES," in which he explored several allegations. AB 53-58. However, he did not exercise one of the two options available to him at that time, *i.e*., admit the charge or deny it and request a hearing. HIWU responded to Appellant, advising him that "HIWU has requested and will provide a copy of the A Sample Laboratory Documentation Package upon receipt. However, there is no right to discovery or wide-ranging document production under the ADMC Program." AB 53.

On February 24, 2026, HIWU informed Appellant that he had not elected to either admit the CMRV or deny it and proceed to a merits hearing before the IAP.[2] He was further advised, "[i]f we do not receive an admission or a hearing request, you will be defaulted and receive the Consequences outlined in the February 13, 2026 Charge Letter." AB 60.

On March 4, 2026, HIWU issued a Notice of Final Civil Sanctions under the ADMC Program and Final Decision, in which it notified Appellant that he was deemed to have admitted the charged CMRV and accepted the Consequences. AB 98. Accordingly, HIWU imposed the Consequences. AB 101. In that correspondence, HIWU advised Appellant of his right to request review of the Final Decision and Consequences by a federal Administrative Law Judge ("ALJ"). AB 98.

On March 5, 2026, Appellant emailed HIWU a lengthy response, in which, among other things, he set forth notice of his intention to file suit. AB 109-111. On March 9, 2026, HIWU sent Appellant an Amended Notice of Final Civil Sanctions under the ADMC Program and filed it with the FTC.[3] AB 131, 142.

[2] That same day, HIWU also provided Appellant the A Sample Laboratory Documentation Package. AB 60-96.

[3] After being advised by the Authority that the March 4, 2026 Notice of Final Civil Sanctions had not been timely filed with the FTC, HIWU filed the Amended Notice of Final Civil Sanctions. *See* 16 C.F.R. § 1.145(a).

On March 25, 2026, Appellant emailed HIWU, again requesting dismissal of the charges against him on the basis that the March 4, 2026 Notice of Final Civil Sanctions under the ADMC Program was not timely filed with the FTC. AB 156-63. HIWU advised Appellant that the matter had already been finalized and HIWU would not be dismissing it. AB 168.

II. A Remand is Appropriate

In his Application for Review, Appellant requests a dismissal of charges pursuant to Subpart T, which contains the procedures for review of final civil sanctions imposed under the Horseracing Integrity and Safety Act ("HISA"). 16 C.F.R. §§ 1.145-.149. I construe the Application for Review as seeking relief from HIWU's default determination and requesting an opportunity for a hearing on the merits. In its Response, the Authority states that "given the fact that Appellant is not (and has not been) represented by counsel, the Authority would not object to the remand of the case for further proceedings pursuant to 16 C.F.R. § 1.146(d)(3)(i), with an order that HIWU initiate the IAP for a merits hearing." Response at 4.

HISA and its implementing rules prescribe a layered adjudicatory framework in which factual development of the record occurs before the IAP. *See* ADMC Rule 3361, and Rule Series 7000, Arbitration Procedures, 87 Fed. Reg. 65340, 65418 (Oct. 28, 2022). Thereafter, an "aggrieved person" may file an application to seek review by an ALJ of the final civil sanction imposed. 16 C.F.R. § 1.146(a)(1). Such review necessarily contemplates a "factual record developed before the Authority" along with the possibility of "supplement[ing] that record by evidence presented in an administrative hearing" before the ALJ. *Id.* § 1.146(b)(1). It does not contemplate, however, the development of the factual record before the ALJ in the first instance. Accordingly, the ALJ's review is appellate in nature and focused on determining whether the final civil sanction was arbitrary, capricious, an abuse of discretion, prejudicial, the result of a conflict of interest, or otherwise not in accordance with law. *Id.* § 1.146(b)(3); *see* 15 U.S.C. §§ 3051 *et seq*.

Both HISA and the implementing rules provide the ALJ with express authority to remand the Authority's final civil sanction determination for further proceedings. 15 U.S.C. § 3058(b)(3)(A)(ii); 16 C.F.R. § 1.146(c)(2)(i). Here, no merits hearing was conducted before the IAP and therefore no factual record was developed. Accordingly, this matter is not ripe for ALJ

review. Under these circumstances, in light of the Authority's position, and consistent with judicial economy and the authority conferred upon me by Rule 1.146, I **ORDER** that this matter be remanded with instructions to the Authority to conduct further proceedings, including initiation of an IAP merits hearing. This remand is without prejudice as to any future application for review arising from subsequent proceedings in this matter.

ORDERED: *Dania L. Ayoubi*

Dania L. Ayoubi
Acting Chief Administrative Law Judge

Date: May 27, 2026