

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

IN THE MATTER OF

Docket No. _____

RICARDO A. MURILLO,
Appellant.

ECM2026-138

NOTICE OF APPEAL AND APPLICATION FOR REVIEW

Pursuant to 15 U.S.C. § 3058(b) and 16 C.F.R. § 1.146, Appellant Ricardo A. Murillo seeks de novo review of the August 27, 2026 Final Ruling in ECM2026-138. It disqualified Byk's April 16 race result, ordered forfeiture, imposed a \$500 fine, and assigned 1.5 penalty points for an alleged Rule 3312 flunixin violation. The Final Ruling is Exhibit A.¹

Appellant relies principally on the IAP record and requests limited supplementation under § 1.146(c)(4), not an extended hearing.

ISSUES PRESENTED

1. Whether HISA's untimely notice made the sanctions unenforceable.
2. Whether HIWU proved a reliable analytical basis after Appellant identified screening, confirmation, and custody departures.
3. Whether withheld records, the wrong burden, witness irregularities, and omission of Appellant's evidence denied adequate due process.

¹Final Ruling, ECM2026-138, Aug. 27, 2026 (Exhibit A).

ARGUMENT

I. THE SANCTIONS ARE UNENFORCEABLE UNDER SECTION 1.145

The Final Ruling issued August 27; HISA's notice shows submission to the FTC on September 1. Section 1.145(a) requires notice no later than two days after issuance for enforceability. Under § 4.3(a), August 28 was day one, August 31 day two, and September 1 day three. Good cause exists to raise this post-IAP event.²³

II. THE RECORD DOES NOT ESTABLISH A RELIABLE ANALYTICAL BASIS FOR THE AAF

A. The screening result was within the positive bias shown by the same analytical run

The screening package reports approximately 4.033 ng/mL for ion 264 and 3.919 ng/mL for ion 109 against a 4.00 ng/mL Screening Limit. The asserted exceedance was only 0.033. Yet nominal 4.00 controls in the same run produced 4.134 and 4.086, positive deviations of 3.35% and 2.15%. The run's observed bias could account for the exceedance.⁴

Rules 6306, 6308, and 6315 require fit-for-purpose validation, positive and negative controls, validation-based acceptance criteria, and review of information casting doubt on a finding. The disclosed package omitted negative-control results and the calibration and batch-acceptance criteria needed to evaluate this margin.⁵

B. HIWU treated a qualitative confirmation as a quantitative determination

HIWU first stated 4.06 ng/mL, later called it a typographical error and substituted 4.03, then relied on 4.54, the average of instrument estimates 4.52 and 4.57. But IL-DTS-M-076 is marked

²HISA Notice to FTC, Sept. 1, 2026 (Exhibit B).

³16 C.F.R. §§ 1.145(a), 4.3(a).

⁴Laboratory Package at 14; Motion §§ VII-XIV; Aug. 24 hearing.

⁵ADMC Rules 6306, 6308, 6315; Aug. 24 hearing.

qualitative, not quantitative, and the final report states only 'presence confirmed.' Byk's internal-standard responses were also substantially below the 4 ng/mL positive control. Appellant requested the acceptance criterion and validation showing that this difference could not affect the estimates; the ruling addressed neither issue.⁶⁷

C. The produced records do not establish continuous sample custody

Appellant's transportation record identifies Brooke Draper as receiving and signing for the package. The laboratory custody record identifies Rebecca Cheeseman for the same receipt event and omits Draper. These contemporaneous records therefore contradict one another concerning receipt of the sample package.⁸

D. The IAP applied the wrong burden and did not resolve the three preserved challenges

Under Rules 3121 and 3122(c)-(d), once Appellant established a departure that could reasonably have caused the AAF, HIWU had to prove it did not. Appellant showed screening bias and missing controls, non-quantitative confirmation values, and a custody contradiction. HIWU did not establish that these departures could not have caused the AAF. The ruling instead required 'proof of contamination' and 'proof of broken chain of custody,' improperly demanding actual causation.⁹

III. THE PROCESS DID NOT PROVIDE ADEQUATE DUE PROCESS

Appellant moved to compel laboratory records, renewed the request, and filed a Rule 7320 objection. The IAP denied production by one-sentence email. The Final Ruling misstated the

⁶June 22 email; HIWU Submission at 4-5; Laboratory Package at 16-17.

⁷Laboratory confirmation data; Rule 6309(e)(1), (4); Aug. 24 hearing.

⁸Sample Handling Summary; shipping record; Exhibit Book; Rule 6010.

⁹Rules 3121, 3122(c)-(d); Final Ruling § IV.A.

filing history, treated HIWU's opposition as an approved motion, and listed Appellant's evidence as 'None,' despite his motions, exhibit book, emails, and hearing presentation.¹⁰

Hartmann did not appear. Megee was permitted to appear without the Rule 7180(e) written witness statement, then excused without testifying. Counsel admitted lacking laboratory expertise and personal knowledge, yet supplied technical answers while Appellant could examine no HIWU witness. The IAP limited Appellant and ended the inquiry during his Rule 3122 burden-shift argument, despite his express objection. Appellant appeared pro se, not as a witness, but counsel questioned him while he was denied reciprocal examination. This violated Rules 7180(e) and 7250(a).¹¹

After the contested hearing, HIWU falsely published 'CASE RESOLUTION WITHOUT HEARING,' stating that Appellant admitted the violation and accepted consequences, and listed a \$5,000 fine. HIWU removed the linked PDF only after this appeal was submitted, without notice or correction. The statements contradict the hearing record and \$500 Final Ruling.¹²

LIMITED REQUEST TO SUPPLEMENT THE RECORD

Appellant requests limited supplementation with HISA's September 1 notice and HIWU's inaccurate publication and subsequent removal. The Appeal Book should include the complete Box record, motions, exhibits, email rulings, and official hearing recording or transcript.

RELIEF REQUESTED

Appellant requests that the ALJ: (1) declare the sanctions unenforceable under § 1.145(a); (2) reverse and set aside the Rule 3312 finding; and (3) dismiss the charge because HIWU failed

¹⁰July 2 Motion; July 18 renewed request; July 20 ruling; Final Ruling §§ III-IV.B.

¹¹Aug. 16 objection; Aug. 17 emails; Aug. 24 recording; Rules 7180(e), 7250(a), 7320.

¹²HIWU webpage publication (Exhibit C); Final Ruling §§ I, VII, IX.

to establish that the identified departures did not cause the AAF. Appellant seeks dismissal, not mitigation.

Dated: September 15, 2026

/s/ Ricardo A. Murillo

Ricardo A. Murillo, Appellant pro se

619 Manada Gap Road

Grantville, Pennsylvania 17028

(717) 677-1951

murilloaut@aol.com

WORD COUNT CERTIFICATION

Pursuant to 16 C.F.R. § 1.146(a)(1), Appellant certifies that this Application contains no more than 1,000 words, excluding the caption, signature block, certificate of service, and attached exhibits.

CERTIFICATE OF SERVICE

I certify that on September 15, 2026, I served a copy of the foregoing by email upon John L. Forgy, Counsel to the Horseracing Integrity and Safety Authority, at johnforgy1@gmail.com; Christy Heath, HIWU counsel, at cheath@hiwu.org; and Samuel Reinhardt, HISA, at samuel.reinhardt@hisaus.org. The filing was transmitted to the Secretary of the Federal Trade Commission at electronicfilings@ftc.gov and to the Office of Administrative Law Judges at oalj@ftc.gov.

/s/ Ricardo A. Murillo

EXHIBIT A

BEFORE THE INTERNAL ADJUDICATION PANEL

HIWU

Case Number: ECM 2026-138

IAP Member Larry Fontenot

v.

Ricardo A. Murillo

[Insert Name of Covered Person]

FINAL RULING OF INTERNAL ADJUDICATION PANEL

Section One – Parties

☐ **Default Judgment**

Date of Hearing: 8/24/26

(hearing waived, check here) ☐

Date of Decision: 8/27/26

HIWU Counsel: Christy Heath

Covered Person: Ricardo A. Murillo

Counsel/Representative of Covered Person: N/A

Any Third Parties: N/A

Section Two – Charges

The Covered Person is charged with violating the following Series 3000 Equine Anti-Doping and Medication Control (ADMC) Program Rules (“Protocol”):

ADMC Program Rule 3312: Presence of a Controlled Medication Substance and/or its Metabolites or Markers in a Post-Race Sample: Flunixin a class C Controlled Medication Medication.

Section Three – Motions

The Internal Adjudication Panel considered the following motions:

A. Motions filed by Covered Person:

☐ None

(For each motion, include: motion title, date filed, ruling, and date of order.)

“Respondent's Motion to Compel Production of Laboratory Records”

1. July 18,2026

2. Deny

B. Motions filed by HIWU:

☐ None

(For each motion, include: motion title, date filed, ruling, and date of order.)

2. “HIWU’s Response to Respondent’s Motion to Compel Production of Laboratory Records”

1. July 19,2026

2. Approved

Section Four – Burdens of Proof and Evidence

A. Pursuant to ADMC Program Rule 3121 (Protocol), HIWU has established the following evidence, set forth in detail below, to the comfortable satisfaction of the Internal Adjudication Panel:

1. Trainer Ricardo A. Murillo was the responsible person for Covered Horse BYK'S on April 16 , 2026,
2. Sample Collection Personnel collected a post-race blood sample #B200029457 from first place finisher BYK'S on April 16,2026 at Penn National Race Course
3. On April 16, 2026, a Post-Race blood Sample was collected from Byk after a Covered Horse race, which was analyzed by Industrial Laboratories ("Industrial") in Denver, Colorado. Industrial detected Flunixin, a Class C Controlled Medication Substances.
4. On May 11, 2026, Trainer Murillo requested analysis of Byk's B Sample and requested information related to B Sample analysis. On May 15,2026, Mr Murillo withdrew his request for B Sample analysis.
5. On Friday, June 19, 2026, In the email, Ms. Heath advised "The screening Estimated concentration is 4.06 ng/mL (Document packet Page 18 of 33). The Confirmed qualitative concentration is 4.54 ng/mL Document packet Page 23 of 33)." The first statement regarding the screening estimated concentration contained a typographical error and should have stated 4.03 ng/mL, as evidenced by page 18 of 33 of the Laboratory Documentation Package.
6. Ricardo A. Murillo has not denied the presence of Flunixin but the amount.
7. Mr Murillo has not shown proof of contamination.
8. Mr Murillo has not shown proof of broken chain of custody.

B. Pursuant to ADMC Program Rule 3121 (Protocol), the Covered Person has established the following evidence, set forth in detail below, by a balance of probability:

None

Section Five – Violations Determined

Based on the applicable ADMC Program Rules (Protocol) listed above in Section Two, and based upon the established evidence as set forth in Section Four above, the Internal Adjudication Panel has determined that the Covered Person has violated the following ADMC Program Rules (Protocol):

Trainer Murillo has committed a Controlled Medication Rule Violation pursuant to Rule 3312 for the Presence of Flunixin, a Class C, S7 Controlled Substance, in Byk's Post-Race Sample.

Section Six – Finding of No Fault/Negligence or No Significant Fault/Negligence

Pursuant to ADMC Program Rules 3324 and 3325 (Protocol), a Covered Person is entitled to elimination or reduction of any period of Ineligibility if the Internal Adjudication Panel determines that the Covered Person has established that he or she bears No Fault or Negligence, or No Significant Fault or Negligence for the violation(s). Based on the foregoing evidence, the IAP Member finds that the Covered Person ☐ **has** ☒ **has not** (*check one*) established that he or she bears **No Fault or Negligence**; or the Covered Person ☐ **has** ☒ **has not** (*check one*) established that he or she bears **No Significant Fault or Negligence** for the violation(s). Where the Covered Person has established that he or she bears No Fault or Negligence or No Significant Fault or Negligence for the violation(s), the following evidence supports this conclusion:

Section Seven – Elimination, reduction, or suspension of period of Ineligibility and/or other

Consequences for reasons unrelated to degree of fault

Pursuant to ADMC Program Rule 3326(b) – (d) (Protocol), the Covered Person is entitled to elimination, reduction, or suspension of a period of Ineligibility and/or other Consequences if he or she has satisfied any of the following (*check all that apply*):

☐ **Rule 3326(b):** Voluntary Admission of a Controlled Medication Rule Violation in the absence of other evidence.

☐ **Rule 3326(c):** Application of multiple grounds for reduction of a sanction; where the Covered Person has established entitlement to a reduction or suspension of period of Ineligibility under two or more of Rules 3324, 3325, or 3326.

☐ **Rule 3326(d):** Reductions for certain Controlled Medication Rule Violations based on early admission and acceptance of sanction; where the Covered Person admits violation(s) and accepts Consequence(s) within seven (7) days of receiving Charge Letter.

Based on the application of these Rules, the Covered Person is entitled to the following elimination, reduction, or suspension of a period of Ineligibility and/or other Consequences:

None

Section Eight – Aggravating Circumstances

HIWU has established the following aggravating circumstances to the comfortable satisfaction of the Internal Adjudication Panel (*write N/A if none*):

None

Based upon the Aggravating Circumstances, the Covered Person's period of Ineligibility is increased by 0 months (up to 6 months), and an additional fine in the amount of \$0 is imposed (up to \$5,000.00 USD or 5% of the purse, whichever is greater).

Section Nine – Consequences

The following Consequences are imposed upon the Covered Person for each violation that has been established in this case:

(1) a fine of \$500 pursuant to Rule 3323(b); (2) the automatic Disqualification of Byk's Race Results obtained in Race 5 at Penn National Race Course in Grantville, Pennsylvania, on April 16, 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 Rule 3321; (3) the automatic assignment of 1.5 Penalty Points pursuant to Rule 3328; and (4) the automatic Public Disclosure of the violation pursuant to Rules 3620 and 3331.

Section Ten – Penalty Points

The total penalty points issued against Covered Person as a result of this final decision are: 1.5. The Covered Person has 0 prior penalty points, bringing his or her current total penalty points to 1.5.

Subject to ADMC Program Rule 3364 (Protocol), this decision is final and binding pursuant to ADMC Program Rule 3363 (Protocol).

Larry Fontenot Jr

Digitally signed by Larry Fontenot Jr
Date: 2026.08.27 17:59:55 -04'00'

Signature of IAP Member

EXHIBIT B



September 1, 2026

Secretary of the Federal Trade Commission
electronicfilings@ftc.gov

Re: HISA Civil Sanction Notice

This notice is provided by the Horseracing Integrity and Safety Authority, Inc. ("HISA") to the Federal Trade Commission (the "Commission") under 16 Code of Federal Regulations Part I, Section 1.145 in connection with the imposition of civil sanctions under 15 U.S.C. 3057(d) and 15 U.S.C. 3055(c)(4)(B) for a violation of Rule Series 3000, the Equine Anti-Doping and Controlled Medication Protocol approved by the Commission on March 27, 2023.

The following civil sanctions have been imposed against Ricardo A. Murillo, who is a Covered Person under the Horseracing Integrity and Safety Act of 2020, as amended:

1. Disqualification of the results of Byk obtained in Race 5 at Penn National Race Course in Grantville, Pennsylvania on April 16, 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;
2. A fine of \$500 USD pursuant to ADMC Program Rule 3323;
3. Assignment of 1.5 Penalty Points pursuant to ADMC Program Rule 3328; and
4. Public Disclosure in accordance with ADMC Program Rules 3620 and 3331.

Any communications regarding this notice or the civil sanction set forth herein should be directed to:

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

/s/ John Forgy

John L. Forgy
Counsel to HISA

cc: Ricardo A. Murillo

Proof of Service

I hereby certify that on September 1, 2026, pursuant to Federal Trade Commission Rule of Practice §4.4(d), I transmitted this HISA Civil Sanction Notice via email to Ricardo A. Murillo at the email address murilloaut@aol.com.

John L. Forgy
Counsel for HISA
830 Vermillion Peak Pass
Lexington, KY 40515
(859)-940-1215
Email: johnforgy1@gmail.com

/s/ John Forgy

John L. Forgy
Counsel for HISA

EXHIBIT C



CASE RESOLUTION WITHOUT HEARING

ADMC Program Rule 3312/Presence of a Controlled Medication Substance and/or its Metabolites or Markers

Covered Person: Ricardo A. Murillo

Covered Horse: Byk

On September 1, 2026, a Notice of Sanctions was served on Ricardo A. Murillo, who agreed to an Admission of Equine Controlled Medication Rule Violation and Acceptance of Consequences pursuant to the Anti-Doping and Medication Control (ADMC) Program in connection with the above-referenced matter. This matter involved the presence of a Controlled Medication Substance and/or its Metabolites or Markers (ADMC Program Rule 3312) in a Post-Race/Vet's List Sample – Flunixin (Class C). The Controlled Medication Substance was found to be present in a blood Sample collected from Byk after Race 5 at Penn National Race Course in Grantville, Pennsylvania on April 16, 2026.

As a result, the following Consequences were imposed against Mr. Murillo under the ADCM Program:

1. Disqualification of the results of Byk obtained in Race 5 at Penn National Race Course in Grantville, Pennsylvania on April 16, 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 ADCM Program Rule 3321;);
2. A fine of \$5,000 USD pursuant to ADCM Program Rule 3323;
3. Assignment of 1.5 Penalty Points pursuant to ADCM Program Rule 3328; and
4. Public Disclosure in accordance with ADCM Program Rules 3620 and 3331.