

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

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| In the Matter of |) | |
| |) | |
| Luis Jorge Perez, |) | Docket No. 9420 |
| |) | |
| Appellant. |) | |
| |) | |

ORDER DENYING APPELLANT’S REQUEST FOR STAY PENDING APPEAL

On November 9, 2023, Appellant Luis Jorge Perez (“Appellant”) filed a Notice of Appeal and Application for Review (“Application for Review”), appealing the final decision and sanctions imposed by an arbitrator under the Horseracing Integrity and Safety Authority’s (“HISA” or “Authority”) Anti-Doping and Medical Control Program (the “Final Decision”). Appellant’s Application for Review included a request for a stay of the Final Decision during the pendency of the Administrative Law Judge’s review (“Stay Request”). On November 17, 2023, HISA filed a response to the Application for Review, which included HISA’s opposition to Appellant’s Stay Request. For the reasons set forth below, Appellant’s Stay Request is DENIED.

Pursuant to Rule 1.148 of the Procedures for Review of Final Civil Sanctions Imposed under the Horseracing Integrity and Safety Act (“Rules”) an application for a stay pending appeal of a final civil sanction imposed by HISA “*must* provide the reasons a stay is . . . warranted by addressing” certain enumerated factors and the facts relied upon in support. 16 C.F.R. § 1.148 (c) (emphasis added). These factors are:

- (1) The likelihood of the applicant’s success on review;
- (2) Whether the applicant will suffer irreparable harm if a stay is not granted;
- (3) The degree of injury to other parties or third parties if a stay is granted; and
- (4) Whether the stay is in the public interest.

16 C.F.R. § 1.148 (d)(1)-(4).

Appellant’s Stay Request fails to meet the requirements of Rule 1.148. While Appellant generally alleges certain jurisdictional, constitutional, and legal deficiencies regarding HISA, the Horseracing Integrity and Safety Act, 15 U.S.C. §§ 3051-3060, and the relevant anti-doping regulations, Appellant fails to address the likelihood of Appellant’s success on review.

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Moreover, although Appellant asserts that his business “has effectively been destroyed” due to the suspension sanction imposed by HISA, he fails to provide facts in support of this conclusory assertion. In addition, Appellant does not address what, if any, injury would result to other parties or third parties if a stay is granted, nor does he address whether a stay is in the public interest. Accordingly, because Appellant has failed to address all the factors required by 16 C.F.R. § 1.148, the Stay Request is DENIED.

ORDERED:



D. Michael Chappell
Chief Administrative Law Judge

Date: November 28, 2023