

**PUBLIC**

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

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In the Matter of	)	
	)	
Derrick Parram,	)	Docket No. 9424
	)	
Appellant.	)	
	)	

**ORDER ON APPLICATION FOR REVIEW  
 AND SETTING DATE FOR EVIDENTIARY HEARING**

On December 21, 2023, Appellant Derrick Parram (“Appellant”), pursuant to 15 U.S.C. § 3051 *et seq.*, 5 U.S.C. § 556 *et seq.*, and 16 C.F.R. § 1.145 *et seq.*, filed a Notice of Appeal and Application for Review (“Application for Review”).

Appellant appeals the decision of the Horseracing Integrity and Safety Authority (the “Authority”) issued on December 14, 2023 (the “Decision”). The Decision affirmed the determinations of the Laurel Park stewards (the “Stewards”) that (1) the thoroughbred horse named “Girls Love Me” had tested positive for a prohibited substance after a December 9, 2022 claiming race<sup>1</sup> at Laurel Park, Maryland, and (2) the claim to the horse made after the race by Louis J. Ulman and Walter Vieser II must be voided and Appellant must refund all monies pertaining to the claim, pursuant to the Horseracing Integrity and Safety Act of 2020 (“HISA”), 15 U.S.C. §§ 3051-3060, Racetrack Safety Rule 2262 (the “Sanction”).

In his Application for Review, Appellant requested an evidentiary hearing before an Administrative Law Judge (“ALJ”) of the Federal Trade Commission to “contest the facts, and to contest the interpretation of law that formed the basis for the imposition of the Sanction.” Appellant further requested an evidentiary hearing to “present evidence that the Appellant was prejudiced” by delay between the hearing regarding the prohibited substance and the hearing regarding voiding the claim. The Authority’s response to the Application for Review, filed January 3, 2024, asserted that an evidentiary hearing is

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<sup>1</sup> A claiming race “means a Covered Horserace in which a Covered Horse after leaving the starting gate may be claimed in accordance with the rules and regulations of the applicable State Racing Commission,” and a claim “means, in the context of a Claiming Race, the purchase of a Covered Horse for a designated amount.” HISA Definition Rule 1020 (“Definitions”).

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unnecessary because Appellant had stipulated to the facts below and had raised only legal issues in his Application for Review.

Rule 1.146(c)(2) of the Procedures for Review of Final Civil Sanctions Imposed under the Horseracing Integrity and Safety Act (“Rules”) requires the ALJ to assess, among other things, whether, based on the notice of appeal and the response thereto, there are contested facts and whether supplementation of the record below is necessary. 16 C.F.R. § 1.146(c)(2)(i)-(iii), (v). In order to facilitate this assessment, on January 9, 2024, an order was issued directing Appellant to “submit a statement of the facts Appellant seeks to contest and the supplemental evidence that Appellant intends to submit at the requested evidentiary hearing, together with a demonstration as to how such facts and evidence are material to the decision being appealed.” (the “January 9 Order”).<sup>2</sup>

On January 23, 2024, Appellant made a supplemental filing in response to the January 9 Order. Appellant asserted as contested fact the issue of whether he was prejudiced by delays in the hearings below and expressed his desire to testify regarding these delays and the asserted prejudice.

Based on the foregoing, pursuant to Rule 1.146(c)(2), Appellant contests facts determined below and seeks to supplement the record with his testimony, as identified in Appellant’s supplemental filing. Accordingly, an evidentiary hearing is warranted.

**The parties are hereby notified that the evidentiary hearing in this matter will commence on February 7, 2024 at 2:00 p.m., Eastern Standard Time and will be conducted by videoconferencing.** Details regarding videoconferencing procedures will be sent to the parties in advance of the hearing date.

The following procedures will apply:

- The evidentiary hearing will last no more than 8 hours for the Appellant and no more than 8 hours for the Authority and will be limited to: an opening statement by Appellant of no more than 15 minutes; an opening statement by the Authority of no more than 15 minutes; direct examination of the Appellant, with opportunity for cross-examination by the Authority; and the admission of documentary evidence.
- You are directed to provide a list of all individuals who will be participating in the hearing 3 days in advance of the hearing and file it through the Administrative E-File System (“AEFS”).

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<sup>2</sup> In order to ensure adequate time to consider any information submitted by Appellant, the January 9 Order extended the deadline to make the required Rule 1.146(c)(2) determinations to five business days from the date of Appellant’s supplemental filing.

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- The hearing will be conducted remotely via videoconferencing and will be transcribed by a court reporter. An audio line will be provided for public access.
- HISA shall file a complete copy of the record developed below with the Office of the Secretary no later than February 2, 2024.

ORDERED:



D. Michael Chappell  
Chief Administrative Law Judge

Date: January 24, 2024