

FILED: July 23, 2026

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 26-1392

ZVI KRIPLE,

Petitioner,

v.

HORSERACING INTEGRITY AND SAFETY AUTHORITY; FEDERAL
TRADE COMMISSION,

Respondents.

ORDER

In 2025, the Horseracing Integrity and Safety Authority (the "Authority") found that racehorse trainer Zvi Kriple had violated an Authority rule regarding horse welfare, resulting in the suffering and death of a racehorse at an Ohio racetrack, and imposed a two-year suspension of Kriple's registration with the Authority. Kriple sought review of this decision before a Federal Trade Commission (FTC) administrative law judge ("ALJ"), who affirmed the Authority's decision. Kriple filed a petition for review of the administrative law judge's decision with this court.

The FTC and the Authority have moved to dismiss Kriple's petition for lack of jurisdiction, noting that there is no statutory basis for this court to directly review the challenged agency action. Although Kriple cites 15 U.S.C. § 3058 in his petition, this provision does not provide an avenue for direct judicial review by this court and only addresses the FTC's authority to review an Authority determination. In his filings opposing the motions to dismiss, Kriple also does not proffer a valid basis for the court's jurisdiction and asks, alternatively, that the court transfer his case to an appropriate venue.

As a threshold matter, we grant Kriple's motions for leave to file a supplemental response to the motions to dismiss and to file a supplemental statement and attachments in support of his petition. However, upon consideration of Kriple's various filings and the other materials before this court, we discern no basis for this court's jurisdiction to review the relevant order. Accordingly, we grant the motions to dismiss and dismiss Kriple's petition for lack of jurisdiction. We further deny Kriple's request for transfer, as no other court of appeals would have jurisdiction over this action.

Entered at the direction of the panel: Judge Wynn, Judge Harris, and Senior Judge Floyd.

For the Court

/s/ Nwamaka Anowi, Clerk

APPENDIX B

**FEDERAL TRADE COMMISSION
ADMINISTRATIVE LAW JUDGE DECISION
ON APPLICATION FOR REVIEW
MARCH 4, 2026**

PUBLIC

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

In the Matter of)
)
)
Zvi Kriple,)
)
)
Appellant.)
_____)

Docket No. 9446

ADMINISTRATIVE LAW JUDGE DECISION
ON APPLICATION FOR REVIEW

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In the wee hours of a late summer morning in 2025, a thoroughbred racehorse, Royal Honey, died a painful and lonely death in a stable at Belterra Park racetrack in Ohio. This case concerns whether or not Royal Honey's trainer, Zvi Kriple, has responsibility for her death under rules that enforce the federal Horseracing Integrity and Safety Act ("HISA").¹ I hold that he does.

I. THE STATUTORY FRAMEWORK.

Congress enacted HISA in 2020 to provide national oversight and uniformity to safety and substance control in the nation's thoroughbred racing industry. Among other things, HISA authorized the Horseracing Integrity and Safety Authority (the "Authority"), a private, independent, self-regulatory, nonprofit corporation to "develop[] and implement[] . . . a racetrack safety program" throughout the United States.² The Authority issued regulatory rules that include the statutorily-required Racetrack Safety Program ("RSP"), which the Federal Trade Commission approved.³ HISA and the RSP rules, applicable to Covered Persons and Covered Horses that HISA regulates, address, in summary: (1) the persons and racetracks subject to the Program's requirements; (2) training and racing standards related to jockey safety and equine welfare; (3) the conduct constituting violations and

¹ See 15 U.S.C. §§ 3051-60.

² *Id.* § 3052(a).

³ *Id.* §§ 3053, 3056, 3057.

corresponding sanctions; and (4) investigation and enforcement in furtherance of the statute.⁴

The Authority prosecutes RSP violations through its enforcement counsel. As relevant here, RSP violations may be adjudicated by members of the Authority's Internal Adjudication Panel ("IAP"), an Arbitral Body, or racetrack stewards.⁵ Here, in particular, an IAP heard the case. The FTC has authority to review decisions imposing final civil sanctions arising from enforcement proceedings.⁶ Further review is available under the Administrative Procedures Act.⁷

II. SUMMARY OF THE CASE.

Mr. Kriple has litigated this case without an attorney. He did not submit a witness statement and testified only briefly, while offering no other witnesses and virtually no other evidence as part of his defense. Consequently, the facts are not as developed as they might otherwise have been. This much, however, is clear.⁸

⁴ See generally RSP Rule 2010 (Definitions); Racetrack Safety Program Rule Series 2000; 87 Fed. Reg. 435 (Jan. 5, 2022) (FTC Notice of HISA Proposed Rule and Request for Public Comment); Order Approving the Racetrack Safety Rule Proposed by HISA (March 3, 2022) (https://www.ftc.gov/system/files/ftc_gov/pdf/order_re_racetrack_safety_2022-3-3_for_publication.pdf); 89 Fed. Reg. 24574 (Apr. 8, 2024) (FTC Notice of HISA Proposed Rule Modification and Request for Public Comment; Order Approving the Racetrack Safety Rule Proposed Modification (June 7, 2024) (https://www.ftc.gov/system/files/ftc_gov/pdf/P222100CommOrderHISARacetrackSafetyRule20240607.pdf). Capitalized terms used, but not defined in this Decision, are those defined in RSP Rule 2010.

⁵ See generally RSP Rule Series 2000 and Rule 8320 ("Adjudication of Violations in the Rule 2200 Series").

⁶ 15 U.S.C. § 3058; 16 C.F.R. §§ 1.145-148. See 87 Fed. Reg. 60077 (Oct. 4, 2022) (Final Rule).

⁷ 5 U.S.C. §§ 701-06.

⁸ The record provided by the Authority includes memos that Dr. Sutherland, an expert witness that enforcement counsel called, prepared of interviews he conducted. Appeal Book ("AB") 9-11. Although Dr. Sutherland's reliance on the interviews in forming his opinion is not objectionable, the record

A. Facts.

Royal Honey began “colicing”—exhibiting abdominal pain—on Saturday, August 23, 2025.⁹ Saturday was a racing day at Belterra Park. There were two or three veterinarians at the track.¹⁰ But there is no evidence Mr. Krippe contacted any of them, and, therefore, Royal Honey was not examined. Mr. Krippe claimed to have been unable to find any track veterinarian during the day that Saturday.¹¹ However, he telephoned Dr. Tamara Widenhouse, one of Belterra Park’s regulatory veterinarians, that night. Dr. Widenhouse “told him she was a couple hours away at home” and advised Mr. Krippe “to take the horse to the clinic. . . .”¹² Mr. Krippe did not do so.

Around 12:30 p.m. the next day, Sunday August 24, 2025, Mr. Krippe telephoned another Belterra Park veterinarian, Dr. Timothy Renn. Mr. Krippe told him Royal Honey “had been colicing since the previous afternoon and evening, and he wanted it seen”¹³ Dr. Renn was then 100 miles away at his home. He told Mr. Krippe that “the horse definitely needed to be seen, or it was probably going to die. I told him to call Park Equine or other trainers to find a vet locally.”¹⁴

does not establish whether or not his interview memos were admitted as evidence before the IAP hearing. Therefore, I have not drawn on the memos for any facts forming the basis for this Decision.

⁹ AB 21 & 78 (Renn Wit. Stmt.), 46 (Renn), 64 (Krippe), 122, 125 (Krippe App. to Bd.).

¹⁰ *Id.* 40, 42 (Pate), 56-60 (Renn).

¹¹ *Id.* 64 (Krippe).

¹² *Id.* 35 (Pate).

¹³ *Id.* 46 (Renn), 78 (Renn Wit. Stmt.).

¹⁴ *Id.* 78 (Renn Wit. Stmt.). *See also id.* 46 (Renn).

Mr. Kriple "was basically . . . noncommittal about having the horse seen" ¹⁵

During the day on Sunday, Mr. Kriple gave Royal Honey banamine, a pain killer, and acepromazine, a sedative, plus milk of magnesia, "which really wasn't going to help this horse at all." ¹⁶

Dr. Renn next heard from Mr. Kriple around 8:30 p.m. on Sunday evening. ¹⁷

Another trainer, Pearl Chain, was with Mr. Kriple and also spoke to Dr. Renn. ¹⁸

Dr. Renn learned that Royal Honey "was getting tremendously worse and that no care had been sought before that" ¹⁹ On the call, Dr. Renn heard "distressed" sounds—"[n]laying, whinnying"—from Royal Honey in the background. ²⁰ Ms. Chain "indicated in her opinion, the horse was going to die if it did not get any kind of veterinary care." ²¹ Dr. Renn agreed, telling Mr. Kriple "the horse is going to die unless it's seen and it might just need to be euthanized, this might be too far gone." ²² As Dr. Renn further testified:

Q [Enforcement counsel]: At that point in time, would you say that the horse was in serious distress and pain based on what you were told Sunday night?

¹⁵ *Id.* 46 (Renn).

¹⁶ *Id.* 49 (Renn).

¹⁷ *Id.* 46 (Renn), 78 (Renn Wit. Stmt.).

¹⁸ *Id.* 46, 48 (Renn), 78 (Renn Wit. Stmt.).

¹⁹ *Id.* 46 (Renn).

²⁰ *Id.* 47-48 (Renn).

²¹ *Id.* 49 (Renn).

²² *Id.*

A: Yeah, . . . absolutely my recommendation. It had to be seen or it was either going to die or it would need to be euthanized due to a[n] extremely low chance of a positive outcome.²³

Dr. Renn also learned from Ms. Chain that racetrack trainers had found a veterinarian about 20 minutes away in Kentucky, Dr. Tony Wolfe, who agreed to see Royal Honey.²⁴ Ms. Chain, and two other trainers had “volunteered” to transport Royal Honey for free to Dr. Wolfe’s facility.²⁵

Mr. Kriple took no steps to secure veterinary care for Royal Honey. He testified that, by late Sunday night, Royal Honey seemed better, more relaxed. He stayed with the horse until about 1:00 a.m. Monday, but then left to sleep.²⁶

Dr. Renn heard nothing further until early Monday morning, when he arrived at Belterra Park for his pre-race rounds. He learned that Royal Honey had “died somewhere like 3:00 or 4:00 in the morning”²⁷ Later that day, Dr. Renn spoke with Mr. Kriple, who told him Royal Honey had not been seen by any veterinarian, despite Dr. Renn’s urgings.²⁸ The necropsy performed the University of Kentucky laboratory concluded that death resulted from a “ruptured volvulus”—a

²³ *Id.* 50 (Renn).

²⁴ *Id.* 46 (Renn). *See also id.* 35 (Pate).

²⁵ *Id.* 46, 50, 52 (Renn). *See also id.* 35 (Pate), 78 (Renn Wit. Stmt.).

²⁶ *Id.* 65 (Kriple).

²⁷ *Id.* 50 (Renn).

²⁸ *Id.* 51 (Renn).

twisting of the intestine, which blocks food passage, causing a build-up in pressure that ruptures the digestive tract.²⁹

Based on his conversations with Mr. Kriple and Ms. Chain, and his experience as a veterinarian, Dr. Renn testified:

Q [Enforcement counsel]: . . . [I]n this particular case, if Mr. Kriple were to report that the horse began colicing Saturday and continued colicing until Monday morning at 3:30 AM, this horse would have been in pretty serious pain and distress.

A: Absolutely.³⁰

Dr. Renn testified further that Royal Honey needed veterinary care on Saturday or Sunday: "if the surgery was declined, there would have been euthanasia recommended, which would have prevented the horse from going through however many hours of agony at the end of its life that it went through."³¹

Dr. Bart Sutherland, a long-time veterinarian whose experience includes investigating equine welfare, also testified.³² Dr. Sutherland investigated Royal Honey's death and described the horse's condition: "a large colon embolus [sic volvulus] is one of the most painful types of colic in the horse—very aggressive, very acute, very dangerous if left untreated."³³ Recommended veterinary care was either "surgery or euthanasia," the latter "to avoid prolonged pain and suffering and

²⁹ *Id.* 51-52 (Renn), 73 (University of Kentucky diagnostic report), 78 (Renn Wit. Stmt.).

³⁰ *Id.* 51 (Renn).

³¹ *Id.*

³² *Id.* 26-27 (Sutherland).

³³ *Id.* 30 (Sutherland).

distress”³⁴ He agreed with Dr. Renn that, if Royal Honey had been examined on Sunday, “it is my opinion that a veterinarian would have realized the seriousness or grave condition of the horse.”³⁵ Based on his investigation, Dr. Sutherland believed that Mr. Kriple “caused needless suffering by unnecessarily delaying or avoiding pursuing treatment for the uncontrollable pain of the horse Royal Honey.”³⁶

Mr. Kriple asked Dr. Sutherland no questions, stating that “I accepted the description and I agree with the consequences.”³⁷

David Pate, a steward at Belterra Park, recounted the basis for the racetrack stewards’ action after the death of Royal Honey. The Belterra Park stall application includes a provision requiring trainers to care for their horses “to the best of their ability and . . . do everything in their power to treat their horses right, . . . get them the care they need”³⁸ Royal Honey’s death called for the stewards to “figure out if [Mr. Kriple] did, in fact, do everything he could for that horse or if there was any neglect in the matter on his part.”³⁹

After a stewards’ hearing, Mr. Kriple agreed to give up his Ohio license, and the stewards themselves decided to “rescind[] it with prejudice and [to]

³⁴ *Id.*

³⁵ *Id.* 71 (assessment report).

³⁶ *Id.*

³⁷ *Id.* 32 (Kriple).

³⁸ *Id.* 35 (Pate).

³⁹ *Id.*

recommend[] to the Racing Commission not to license him again.”⁴⁰ The Ohio State Racing Commission put Mr. Kriple “on a stop list,” “preventing him from any future license in this state.”⁴¹ According to Mr. Pate, “[t]his is the second (2nd) time [Mr. Kriple] has been found to have neglected animals in his care, and I would rather not find out if it will happen a third (3rd) time.”⁴²

During his brief testimony, Mr. Kriple denied failing to care for Royal Honey. However, his testimony included the following:

[T]o take the horse to a hospital . . . it's going to cost you \$6,000.00 I couldn't do that. *I can't afford taking the horse to hospital.* So I was in a bad situation and I completely agreed to this situation. I'm not denying it, I'm not denying it. But I [was] left with no help, with no hope I'm terribly, terribly sorry for the situation, but it's not for lack of care. It's lack of [a] veterinarian to help me. That's what the situation [was].⁴³

B. The Racetrack Safety Program Rule Violation Charged.

Mr. Kriple, a trainer, is a Covered Person under HISA and the RSP Rules. Royal Honey was a Covered Horse. As a Covered Person, Mr. Kriple is required to register with the Authority.⁴⁴ By registering, Mr. Kriple “agree[s] to be subject to

⁴⁰ *Id.* 37 (Pate).

⁴¹ *Id.* 37 (Pate), 80 (Pate Wit. Stmt.).

⁴² *Id.* 80 (Pate Wit. Stmt.).

⁴³ *Id.* 65 (Kriple) (emphasis added).

⁴⁴ Rule 2010 (Definitions), 9000(a) (registration of Covered Persons). *See also* 15 U.S.C. §§ 3051(4) & (6), 3054(d) (registration obligation).

and comply with the rules, standards, and procedures of the Authority developed and approved under 15 U.S.C. 3054(c)."⁴⁵

RSP Rule 2215(a) provides, in pertinent part, that:

No Covered Person . . . shall compromise the welfare of a Covered Horse for competitive or commercial reasons or subject or permit any Covered Horse under their control, custody, or supervision to be subjected to or incur the following:

(4) Deprivation of necessary care, sustenance, shelter, or veterinary care.

In September 2025, the Authority's enforcement counsel served Mr. Kriple with a notice, alleging that Mr. Kriple violated Rule 2215(a)(4) by "depriv[ing] the Covered Horse, Royal Honey of necessary veterinary care when she was experiencing an emergency medical condition on or about August 24, 2025. The Covered Horse, Royal Honey, died on Monday, August 25, 2025."⁴⁶ Enforcement counsel further advised Mr. Kriple that if liability for the violation were proven, "HISA may seek to impose one or more of the sanctions outlined in Rule 8200 as deemed appropriate by HISA in keeping with the seriousness of the violation and the facts of the case, and that is consistent with the safety, welfare, and integrity of Covered Horses, Covered Persons and Covered Horseraces."⁴⁷

⁴⁵ Rule 9000(g).

⁴⁶ AB 14 (Notice of violation). *See* Rule 8200(d) (providing for notice of violation).

⁴⁷ AB 14 (Notice of violation).

Rule 8200(b) provides that after a hearing is held and a Rule violation proven, the Authority “may impose one or more” of a variety of sanctions “in proportion to the nature, chronicity, and severity of the violation” As relevant here, the Authority may “suspend the registration of a Covered Person for a definite period”⁴⁸

An IAP, consisting of a single member, heard enforcement counsel’s alleged violation of RSP Rule 2215(a)(4), where enforcement counsel had the burden of proving its charge by a preponderance of the evidence.⁴⁹

C. The Decisions of the IAP member and the Board of the Authority.

After receiving the witness testimony and documentary evidence at the hearing, the IAP member found the following, in summary:

Royal Honey “began to show symptoms of colic” during Saturday afternoon, August 23, 2025. On Sunday, August 24, Mr. Kriple spoke to Dr. Renn, who “suggested several alternative veterinarians” and who “stressed the importance of having the horse seen to.”⁵⁰ If Royal Honey’s condition were “left untreated,” Dr. Renn told Mr. Kriple, that “could lead to a very painful death”⁵¹ When

⁴⁸ Rule 8200(b)(3).

⁴⁹ See Rules 7020(b), 8310, and 8340(f). The Rule-based steps by which this Rule 2215(a)(4) case came to be referred to an IAP and heard under Rule 8000 Series procedures is unclear. Insofar as the IAP’s jurisdiction might be questioned, Mr. Kriple failed to make a timely objection and participated in the IAP hearing. Thus, he forfeited any jurisdictional objection. See generally *Matter of Galvin*, No. 9445, 2026 FTC Lexis 3, at *6-15 (ALJ Jan. 7, 2026).

⁵⁰ AB 93 (Amended IAP Ruling).

⁵¹ *Id.*

Mr. Kriple contacted Dr. Renn again on Sunday evening, Dr. Renn learned “the horse still had not been treated by a veterinarian,” despite the offer of other trainers “to ship the horse to a nearby vet clinic free of charge”⁵²

Mr. Kriple left Royal Honey “unattended at 1:30 AM” on Monday morning, after which, at 3:30 AM the horse died “a very painful death,” later determined to have been caused by “a rupture” of Royal Honey’s “digestive tract.”⁵³

The IAP member described Mr. Kriple’s testimony, which was offered “*without* any other testimony to corroborate his evidence: It is the Covered Person’s testimony that, despite his best and repeated efforts over the periods of August 23rd and 24th, 2025 he was unable to find any veterinarian that would either come to the racetrack to treat the horse or receive the horse at a clinic where it could be seen and treated.”⁵⁴

The IAP member held that enforcement counsel proved Mr. Kriple violated Rule 2215(a)(4) and awarded the following sanctions:

1. Suspension of Mr. Kriple’s registration with the Authority for a period of two years, commencing on October 28, 2025, and continuing through October 27, 2027.
2. Public disclosure of the sanctions.⁵⁵

⁵² *Id.*

⁵³ *Id.*

⁵⁴ *Id.* (emphasis added).

⁵⁵ *Id.* 92-94 (Amended IAP Ruling).

On Mr. Kriple's appeal from the IAP member's decision, the Authority's Board affirmed the IAP member's decision.⁵⁶ It rejected his argument that he did not neglect caring for Royal Honey. Dr. Renn, the Board noted, provided Mr. Kriple with an equine facility for treatment services and told him Royal Honey "would likely die if she did not receive immediate treatment."⁵⁷ Further, Mr. Kriple "refused" other trainers' offers to transport Royal Honey for treatment, free of charge.⁵⁸ In consequence, "Royal Honey suffer[ed] a painful death"⁵⁹

In addition, the Board rejected Mr. Kriple's argument that the hearing process was unfair, as Mr. Kriple had never objected to either the hearing date or to disclosure deadlines.⁶⁰ Thus, finding the IAP member's decision "not clearly erroneous" and "supported by evidence and applicable law," the Board "affirm[ed] the IAP Decision in full."⁶¹

* * *

As provided for in HISA, Mr. Kriple seeks review of the Authority's decision upholding his two-year suspension.⁶² Although Mr. Kriple asserts several alleged errors in the prior proceedings, his arguments are without merit. This is not a close

⁵⁶ See Rule 8350.

⁵⁷ AB 148 (Board Decision).

⁵⁸ *Id.*

⁵⁹ *Id.* 149 (Board Decision).

⁶⁰ *Id.* 148 (Board Decision).

⁶¹ *Id.* 149 (Board Decision).

⁶² 15 U.S.C. § 3058.

case. Mr. Kriple deprived Royal Honey of necessary veterinary care. For the reasons set out below, his two-year suspension is affirmed.

III. ISSUES PRESENTED FOR REVIEW.

As framed by the parties, the following issues must be resolved:

- A. Is the evidence presented by enforcement counsel sufficient to prove the charge against Mr. Kriple?
- B. Did the hearing before the IAP violate Mr. Kriple's procedural due process rights?
- C. Does collateral estoppel bar enforcement under the RSP Rules?
- D. Does the availability of veterinary staff at Belterra Park during the period Royal Honey suffered excuse or mitigate Mr. Kriple's violation of RSP Rule 2215(a)(4)?

IV. SCOPE OF REVIEW.

HISA civil sanctions, imposed for Rule violations, are reviewable by an FTC Administrative Law Judge ("ALJ") upon application of the person aggrieved and thereafter by the Commission itself on a discretionary basis.⁶³ The ALJ reviews:

"whether—

- (i) a person has engaged in such acts or practices, or has omitted such acts or practices, as the Authority has found the person to have engaged in or omitted;
- (ii) such acts, practices, or omissions are in violation of this [chapter] or the anti-doping and medication control or racetrack safety rules approved by the Commission; or

⁶³ 15 U.S.C. § 3058(b)-(c); FTC Rules 1.146-.147.

(iii) the final civil sanction of the Authority was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.”⁶⁴

The ALJ’s review of the Arbitrator’s decision is *de novo*—“as if it had not been heard before, and as if no decision previously had been entered.”⁶⁵ Thus, the ALJ must determine the merits of the charged violation, and whether the sanctions the Authority imposed were “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.”⁶⁶ In exercising their review authority, the ALJ may “affirm, reverse, modify, set aside, or remand for further proceedings, in whole or in part” and “make any finding or conclusion that, in [their] judgment . . . is proper and based on the record.”⁶⁷

V. ANALYSIS OF THE ISSUES.

A. The Authority Proved the Violation Charged.

On Saturday, August 23, 2025, Mr. Kriple suspected Royal Honey was suffering from colic, and recognized the abdominal pain the horse was experiencing

⁶⁴ 15 U.S.C. § 3058(b)(2)(A). *See also* FTC Rule 1.146(b)(1)-(3).

⁶⁵ *Shane v. Albertson’s Inc.*, 504 F.3d 1166, 1168 (9th Cir. 2007) (quoting *Freeman v. DirecTV, Inc.*, 457 F.3d 1001, 1004 (9th Cir. 2006)). *See also Harris v. Lincoln Nat’l Life Ins. Co.*, 42 F.4th 1292, 1295 (11th Cir. 2022) (“De novo means . . . a fresh, independent determination of ‘the matter’”) (quoting with approval *Doe v. United States*, 821 F.2d 694, 697-98 (D.C. Cir. 1987)); *Reyes-Colón v. United States*, 974 F.3d 56, 60 (1st Cir. 2020) (“review . . . de novo . . . is a legalistic way of saying we critique the judge’s decision without giving any deference to his views”); *Amparan v. Lake Powell Car Rental Cos.*, 882 F.3d 943, 947 (10th Cir. 2018) (“[A] district court’s grant of summary judgment [is reviewed] de novo,” and “[i]n so doing, we need not defer to factual findings rendered by the district court.”) (internal quotation marks omitted); *Aquarius Marine Co. v. Pena*, 64 F.3d 82, 87 (2d Cir. 1995) (on *de novo* review, the appellate court “give[s] no deference to the lower court”).

⁶⁶ 15 U.S.C. § 3058(b)(2)(A); FTC Rule 1.146(b)(1)-(3).

⁶⁷ 15 U.S.C. § 3058(b)(3)(A)(ii-iii); FTC Rule 1.146(d)(3).

required veterinary care.⁶⁸ That Saturday and the next day, Sunday, all those informed of, or able to observe, Royal Honey's condition—Dr. Widenhouse, Dr. Renn, Ms. Chain, and other Belterra Park trainers—drove home to Mr. Kriple the seriousness of the situation. Royal Honey needed not only examination, but possibly emergency surgery or, indeed, euthanasia. Several Belterra Park trainers, a group likely to have an informed sense of the horse's distress, identified a nearby veterinarian and offered Mr. Kriple free transportation to the facility. Yet, Mr. Kriple never obtained veterinary care. Early Monday morning, August 25, 2025, Royal Honey died, alone, after experiencing "prolonged pain and suffering and distress"⁶⁹

These facts are undisputed. The Authority proved by a preponderance of the evidence that Mr. Kriple "[d]epriv[ed]" Royal Honey of "necessary . . . veterinary care" in violation of Rule 2215(a)(4).⁷⁰ Two veterinary experts, Dr. Bart Sutherland and Dr. Timothy Renn, as well as steward David Pate, gave sworn testimony that was credible and consistent. Dr. Renn testified not only to telephone calls with Mr. Kriple, but also to one with trainer Chain. Royal Honey was in distress and track trainers offered to transport Royal Honey to an available veterinarian for free. Steward Pate corroborated Dr. Renn's testimony.⁷¹

⁶⁸ AB 64 (Kriple).

⁶⁹ *Id.* 30 (Sutherland).

⁷⁰ Rule 8340(f) provides that "the burden of proof shall be on the party alleging the violation to show, by a preponderance of the evidence, that the Covered Person has violated or failed to comply with, or is responsible for a violation of, a provision of the Authority's rules."

⁷¹ AB 35-36 (Pate), 46, 50, 52 (Renn).

In contrast, apart from his own brief testimony, Mr. Kriple's only other evidence is a text message, allegedly from trainer Steve Sandy to Mr. Kriple, stating: "no [veterinarian] would come 2 the track that night!"⁷² "[T]hat night," Kriple explained, referred to "Sunday night."⁷³ Even accepting, for argument's sake, the authenticity of the text, the message does not rebut enforcement counsel's proof. Kriple himself stated that, on Saturday, he could not find a track veterinarian to see Royal Honey. By Sunday night, he had spoken by telephone with Drs. Widenhouse and Renn, as well as trainer Chain and others, all of whom had implored him to get Royal Honey urgently needed veterinarian care. Mr. Kriple ignored advice. Trainer Sandy's brief remark about his own Sunday night effort is, at best, cumulative. In all events, it does not excuse Mr. Kriple's neglect.

Mr. Kriple's conclusory claim that the Authority relied on fabricated or speculative evidence, is unsupported. It does not cast any doubt on enforcement counsel's proof. The rest of Mr. Kriple's asserted errors on this review are equally meritless.

B. Mr. Kriple's Procedural Due Process Rights Were Not Violated.

At a September 22, 2025 status conference, the IAP member set October 20 as the date for the hearing.⁷⁴ Mr. Kriple argues that the hearing schedule denied him due process because "Respondent objected by email to the hearing date due to

⁷² *Id.* 131 (Kriple text message with Steve Sandy); *id.* 63-64 (Kriple).

⁷³ *Id.* 63 (Kriple).

⁷⁴ *Id.* 17 (Authority's Prehearing Stmt.).

insufficient time to prepare . . . [but] [t]hat objection was not disclosed or acknowledged in subsequent representations.”⁷⁵ This objection implicates § 3057(c)(3), which requires that Rules implementing the statute “shall provide for adequate due process . . . commensurate with the seriousness of the alleged safety, performance, or anti-doping and medication control rule violation and the possible civil sanctions for such violation.”⁷⁶

Mr. Kriple never asserted any due process objection at the IAP hearing itself, first adding this objection only on his appeal to the Board.⁷⁷ Even then, Mr. Kriple did not describe any additional proof he would have offered if the IAP hearing date had been extended. The Board rejected Mr. Kriple’s objection, noting that he “never objected to the hearing date”⁷⁸

However, in a September 25, 2025 email to enforcement counsel, sent just days after the IAP member set the hearing date, Mr. Kriple wrote: “I am in the process of collecting witness list as well as information from the Ohio commission. That might take some time so please let’s not commit to dates yet.”⁷⁹ Although the Board did not have the benefit of the continuing email thread, I do, and it bears directly on Mr. Kriple’s argument on this review.

⁷⁵ Kriple’s Proposed Findings of Fact ¶¶ 34-35.

⁷⁶ 15 U.S.C. § 3057(c)(3). *See* FTC Rule 1.146(c)(1)(ii).

⁷⁷ AB 127 (Kriple appeal).

⁷⁸ *Id.* 148 (Board decision).

⁷⁹ *Id.* 134 (Kriple Ex. 1 to appeal to Board).

In its reply here, the Authority has included as "Attachment 1" the full email thread. Besides including Mr. Kriple's "let's not commit" email, it also contains enforcement counsel response to Mr. Kriple, copied to the IAP member: "You will need to take up your request to modify the dates and deadlines with Mr. Abbott [the IAP member]." ⁸⁰ The IAP Member himself then emailed Mr. Kriple: "[t]he dates . . . are committed. If you need extra time, please apply to me directly with an explanation of your difficulties and proposed deadline." ⁸¹ Mr. Kriple never asked the IAP member to modify the hearing date and did not renew his protest regarding schedule at the IAP hearing itself, but instead participated in the proceeding.

In *Matter of Arbitration Between Trans Chemical Ltd. and China National Machinery Import and Export Corp.*, ⁸² the respondent objected to the arbitration hearing date, but thereafter "proceeded to arbitrate . . . without further comment." The respondent opposed the prevailing party's petition to confirm the award, arguing that failure to reschedule the hearing date denied it a fair hearing. The Court rejected the argument, noting that the respondent "failed to identify what additional discovery or preparation it would have undertaken, and it is idle speculation to assume that the result would have been different had [the respondent] been given additional time." ⁸³

⁸⁰ Authority's Reply Brief, Attachment 1.

⁸¹ *Id.*

⁸² 978 F. Supp. 266, 307 (S.D. Tex. 1997) (cleaned up).

⁸³ *Id.*

Likewise here, taking account of not only Mr. Kriple's failure to apply to re-set the hearing date, but also the entirety of the record, Mr. Kriple's argument fails. By not presenting his argument to the IAP member, Mr. Kriple forfeited his objection to the hearing date.⁸⁴ Nor has he shown he was prejudiced in his ability to defend against enforcement counsel's charged violation.⁸⁵

As part of his due process objection, Mr. Kriple also contends that "HISA had access to pro bono counsel resources for pro se respondents but did not offer [him] such assistance."⁸⁶ The objection is hollow.

Mr. Kriple never presented the argument to the Board, so it is not properly subject to review, absent Mr. Kriple showing "good cause" that excuses the omission.⁸⁷ Kriple has made no such showing here. He has not offered evidence that he took any steps to secure legal representation from any source, either on a pro bono basis or as a paying client.

Accordingly, Mr. Kriple's conclusory due process argument is without merit.

C. Collateral Estoppel is Inapplicable.

⁸⁴ See generally, e.g., *Ganton Techs., Inc. v. UAW*, 358 F.3d 459, 462 (7th Cir. 2004) ("The failure to pose an available argument to the arbitrator waives that argument in collateral proceedings to enforce or vacate the arbitration award."); *Howard Univ. v. Metropolitan Campus Police Officer's Union*, 512 F.3d 716, 719-21 (D.C. Cir. 2008).

⁸⁵ See *Laws v. Morgan Stanley Dean Witter*, 452 F.3d 398, 400 (5th Cir. 2006) (the arbitrator's refusal to postpone the arbitration hearing did not deny the objecting party a fair hearing where the party offered only a "conclusory motion"). Enforcement counsel's submission of Attachment 1 as part of its reply was, of course, irregular and in an appropriate case, might result in striking such a submission or other relief. Mr. Kriple, however, has not filed any reply papers on this review, much less objected to enforcement counsel's attachment.

⁸⁶ Kriple's Proposed Findings of Fact ¶ 38.

⁸⁷ FTC Rule 1.146(a)(1) ("Except for good cause shown, no assignment of error by the aggrieved party may rely on any question of fact or law not presented to the Authority.").

As noted, prior to the IAP hearing, the Belterra Park stewards held a hearing to decide, in substance, whether Mr. Kriple had provided adequate care for Royal Honey. The stewards determined he had not; therefore, that proceeding, too, resulted in sanctions against Mr. Kriple. On this review, Mr. Kriple maintains that collateral estoppel arises from the Belterra Park stewards' proceeding and bars enforcement counsel's case under RSP Rule 2215(a)(4).

But collateral estoppel has no application. The doctrine "cannot apply when the party against whom the earlier decision is asserted"—here, the Authority—"did not have a full and fair opportunity to litigate that issue in the earlier case."⁸⁸ The Authority was not a party to the Belterra Park stewards' proceeding and, therefore, had *no* opportunity at all to litigate anything against Mr. Kriple. The IAP member rejected Mr. Kriple's collateral estoppel objection during the hearing, recognizing that Mr. Kriple was "under the jurisdiction of the [Authority] and . . . they have the right to adjudicate this matter."⁸⁹ I agree and similarly reject his argument.

D. Mr. Kriple Cannot Evade His Responsibility to Royal Honey by Complaining about Veterinary Staffing at Belterra Park.

Finally, Mr. Kriple attempts to shift the blame for Royal Honey's death on Belterra Park's supposed lack of an on-track veterinarian on Saturday. This is

⁸⁸ *Allen v. McCurry*, 449 U.S. 90, 95 (1980) (cleaned up). See also *United States ex rel. Doe v. Heart Solution, P.C.*, 923 F.3d 308, 317 (3d Cir. 2019) (a non-party to the first case "did not have any opportunity, much less a full and fair opportunity to litigate any issue involved in this appeal.") (cleaned up).

⁸⁹ AB 25.

another red herring. As a Covered Person for Royal Honey, under RSP Rule 2215(a)(4), Mr. Kriple was responsible for the welfare of Royal Honey, regardless of racetrack staffing. Belterra Park had no obligation to provide Mr. Kriple with attending veterinary care. Moreover, on Saturday, Mr. Kriple in fact reached a Belterra Park veterinarian—Dr. Widenhouse—by phone when Royal Honey was colicing. Yet, he simply ignored her advice to take Royal Honey to a clinic. And Mr. Kriple himself told us why: “[I]t’s going to cost you \$6,000.00 I couldn’t do that. I can’t afford taking the horse to hospital.”⁹⁰

If Mr. Kriple cannot meet his basic obligations as a trainer to provide necessary veterinary care to Covered Horses under his care, then Mr. Kriple has no business being in the horseracing business to begin with—a conclusion the Belterra Park stewards themselves seemingly reached. Mr. Kriple’s effort to evade his responsibility is, once again, without merit.

VI. SANCTIONS.

The IAP member, and thereafter the Authority’s Board, adopted the request of enforcement counsel at the hearing that Mr. Kriple’s registration with HISA be suspended for two years.⁹¹ Neither enforcement counsel, the IAP member, nor the Board offered any basis for the two-year period thus imposed. Although I affirm that sanction, I do so with misgivings.

⁹⁰ *Id.* 65 (Kriple).

⁹¹ *Id.* 24 (Enforcement counsel’s opening statement), 67 (Enforcement counsel’s closing statement), 93 (Amended IAP Ruling), 149 (Board Final Decision).

Over at least a two-day period, Mr. Kriple deprived Royal Honey of the veterinary care that she desperately needed. He ignored the advice he received, disregarding what was obvious to those observed or were informed of her condition. The Belterra Park stewards directed rescission of Mr. Kriple's track license "with prejudice" and a recommendation—promptly followed by the Ohio Racing Commission—to put Mr. Kriple on the "stop list," essentially declaring him unfit to own or train thoroughbred racehorses in that State. Indeed, steward David Pate stated that, in his "opinion . . . Mr. Kriple should never be granted a racing license, of any kind, ever again. This is the second (2nd) time he has been found to have neglected animals in his care, and I would rather not find out if it will happen a third (3rd) time."⁹²

If anything, Mr. Kriple's two-year suspension of his HISA registration seems overly lenient. Yet, I also recognize that the HISA regime is relatively new, and that reported decisions arising from equine deaths due to deprivation or abuse generally are highly fact-specific.

By way of illustration, *Castlebar Contraband*,⁹³ was a case against an endurance rider, Sh. Abdul Aziz Bin Faisal Al Qasimi, whose horse, Castlebar, suffered a fracture during an event and had to be euthanized.⁹⁴ Post-mortem blood sample analysis detected xylazine, "used as a sedative, analgesic and muscle

⁹² *Id.* 80 (Pate Wit. Stmt.).

⁹³ No. 2018/HAO2 (FEI June 3, 2020).

⁹⁴ *Id.* ¶¶ 1.1, 1.2.

relaxant,” which FEI classified as a Controlled Medication Substance.⁹⁵ Although Sh. Abdul argued the xylazine was administered in preparation for the euthanasia, the Tribunal rejected that contention.⁹⁶ The Tribunal imposed two years ineligibility for the medication violation.⁹⁷

But the abuse charge went beyond that and was based on “repeated and multiple nerve blocking injections” of Castlebar—including ones before and during the event itself—which “*favoured the occurrence of the fracture.*”⁹⁸ The during-event injections “abnormally desensitis[ed] Castlebar’s limbs” and “caused or likely caused pain and unnecessary discomfort to Castlebar.”⁹⁹ The Tribunal issued a “lengthy suspension”—18 years—“as a stern warning to others that the Tribunal will not tolerate cases of horse abuse”¹⁰⁰

On the other hand, in *FEI v. Thornton*,¹⁰¹ Thornton, an experienced international rider, “undoubtedly whipped the Horse repeatedly to force him to keep a full gallop on the race track [A]ccording to the six (6) eye witnesses who observed the event along the racetrack, the whipping [was] quasi-constant, violent and excessive. . . . [T]he Tribunal also concludes that the whipping was

⁹⁵ *Id.* ¶ 1.5.

⁹⁶ *Id.* ¶¶ 10.8–9.

⁹⁷ *Id.* ¶ 10.12.

⁹⁸ *Id.* ¶¶ 10.18, 10.22 (italics in original; quotation marks omitted).

⁹⁹ *Id.* ¶ 10.18.

¹⁰⁰ *Id.* ¶¶ 10.24, 12.2(4). See also USEF Release (May 21, 2025) (Trainer Shannon Eckel expelled from membership in the USEF after her horse, Cobain, went untreated after “show[ing] signs of colic” and subsequently died), <https://files.usef.org/assets/D9jBCtpoPco/eckel-shannon-cobain-51425-hj.pdf>.

¹⁰¹ Decision of the FEI Tribunal (June 6, 2017).

administered with anger.”¹⁰² And when the race ended, the horse collapsed and died.¹⁰³ Although the FEI requested a two-year suspension, the Tribunal decided on four months.¹⁰⁴ However, the Tribunal also stated that “it was not requested and is not deciding on the potential responsibility of Mr. Thornton’s for the tragic death of the Horse. . . . Moreover, neither do the scientific reports (Autopsy and Histologic Reports) provide any conclusion on the cause of the death.”¹⁰⁵

The decision was met with significant criticism. Thornton was charged criminally in France, and after being tried in absentia, received a suspended sentence of one year imprisonment, along with a five-year ban on racing in France, and a prohibition against owning an animal again.¹⁰⁶

The Authority has offered no decisions against which to benchmark the two-year suspension here. Lacking guidance, I defer in this case to enforcement counsel’s recommendation, adopted by the IAP member and the Board. However, I urge the Authority to keep in mind that, since Rule 8200(b) itself provides no

¹⁰² *Id.* ¶¶ 9.18, 9.22, 9.25.

¹⁰³ *Id.* ¶¶ 1.2, 3.3

¹⁰⁴ *Id.* ¶¶ 3.16, 9.30(2).

¹⁰⁵ *Id.* ¶ 9.9. *See, e.g., id.* ¶ 3.13 (“it was not possible to establish the cause of death from the histology analysis”).

¹⁰⁶ Cavallo Magazine, He kills the horse to teach it a lesson. And now he’s going to prison. (Nov. 29, 2020), https://www.cavallomagazine.it/en/cronaca/ammazza-il-cavallo-per-dargli-una-lezione-e-ora-va-in-prigione?fbclid=IwAR1BATHuPxgpKqABk6D7Es_z9CgkJJe_gCttSIId-oJgm2dR0ugDUhrfXWM; Courthouse News Service, Irish Rider Sentenced in France for “Disgraceful” Abuse of Horse (Nov. 27, 2020), <https://www.courthousenews.com/irish-rider-sentenced-in-france-for-disgraceful-abuse-of-horse/>; Epoch Times, Alpes-Maritimes: A rider sentenced for causing the death of his horse while trying to “teach it a lesson” (Nov. 26, 2020) (translated), <https://www.epochtimes.fr/alpes-maritimes-un-cavalier-condamne-pour-avoir-provoque-la-mort-de-son-cheval-en-voulant-lui-donner-une-lecon-1603043.html>; Horse and Hound, Top rider vilified online aims to help others in similar situations (Dec. 20, 2018), <https://www.horseandhound.co.uk/news/kevin-thornton-vilified-online-aims-to-help-others-in-similar-situations-673916>.

guideposts for the sanctions detailed, decision-making at all levels will be better served if both grounds for exercising the Authority's discretion and supporting authority are provided.

Additionally, in affirming the IAP member's suspension award, the Board of the Authority specified that:

During the period of suspension, Mr. Kriple shall be prohibited from participating in any capacity in any activity involving Covered Horses, or in any other activity taking place at a Racetrack or Training Facility and shall also be prohibited from permitting anyone to participate in any capacity on his behalf in any such activities during the suspension period.¹⁰⁷

This description of the prohibition arising from Mr. Kriple's suspension was not part of the IAP member's award, and the Racetrack Safety Program Rules do not expressly define the effects that arise from a suspension of registration. However, the Board's explanatory addition seems reasonably implicit in the Authority's regulatory authority generally and in its discretion under Rule 8200(b).

The Board, acting for the Authority, should be able to provide practical guidance along the lines expressed in the registration suspension imposed on Mr. Kriple. The language here finds support in the Authority's Anti-Doping and Controlled Medication Program and in agreed-on orders in others HISA cases, as well as in variations found in the WADA Code and equine competition decisions generally.¹⁰⁸ At the same time, the particular language here should not be regarded

¹⁰⁷ AB 149 (Board Decision).

¹⁰⁸ See Rules 3229(a) and 3329(a) (providing, in relevant part, that "[w]hile serving a period of Ineligibility for an Anti-Doping Rule Violation . . . (2) a Covered Person may not participate in any

as “etched in stone.” Depending on case-specific facts, variations may be appropriate.

VII. CONCLUSION.

At the IAP hearing, enforcement counsel met their burden of proving Mr. Kriple violated Rule 2215(a)(4) by a preponderance of the evidence. Under Rule 8350(f), the Board must uphold the IAP member’s decision “unless it is clearly erroneous or not supported by the evidence or applicable law.” In affirming, the Board correctly upheld the IAP member’s decision.

I have considered all the matters raised by Mr. Kriple on this review and, regardless of whether detailed specifically above, find them unpersuasive. The Board’s Final Decision and the sanctions imposed are **AFFIRMED**.

ORDERED:

Jay L. Himes

Jay L. Himes
Administrative Law Judge

Date: March 4, 2026

capacity in any activity involving Covered Horses, or in any other activity . . . taking place at a Racetrack or Training Facility; nor shall he or she permit anyone to participate in any capacity on his or her behalf in any such activities”); *Matter of Wales*, No. 2025-01944, at ¶ D (HISA Dec. 23, 2025) and *Matter of Bonnell*, 2025-0351, at 2-3 (HISA May 7, 2025) (Agreed Orders). *See also* World Anti-Doping Code § 10.14.1 (eff. Jan. 1, 2027); *FEI v. Schelkens*, C22-0020, at ¶ 98(2) (Aug. 10, 2022); *FEI v. Kocher*, C20-0060, at ¶ XIV(i) (June 10, 2021).