

**UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
MATTER NO. \_\_\_\_\_**

**ADMINISTRATIVE LAW JUDGE: \_\_\_\_\_**

**COMMISSIONERS:       Lina M. Khan, Chair  
                              Rebecca Kelly Slaughter  
                              Alvaro Bedoya**

**IN THE MATTER OF:  
JOSEPH PEACOCK AND OSCAR CEBALLOS**

**APPELLANTS**

**NOTICE OF APPEAL AND APPLICATION FOR REVIEW**

Pursuant to 15 U.S.C. § 3051 *et seq.*, including § 3058(b), 5 U.S.C. § 556 *et seq.*, and 16 CFR 1.145 *et seq.*, including § 1.146, aggrieved Appellants Joseph Peacock (“Appellant Peacock”) and Oscar Ceballos (“Appellant Ceballos”) (together, “Appellants”) give notice that they appeal the May 17, 2023 decision of the Horseracing Integrity and Safety Authority (“HISA”) in Action No. 2022-00431 affirming the September 25, 2022 ruling and civil sanction imposed by stewards at Albuquerque Downs Racetrack (the “Stewards”), as well as any underlying findings of fact and conclusions of law reached by HISA or the Stewards in their respective proceedings below. The civil sanction consists of a fine of \$500.00, three-day suspension from participating in a covered horse race, five HISA points, and disqualification of SHERIFF BROWN (the “Horse”) from any eligible purse earnings. In accordance with 16 CFR 1.146(a)(1), copies of HISA’s May 17 decision and the Stewards’ September 25 ruling and civil sanction are attached as Exhibit A and Exhibit B, respectively.

Appellants challenge HISA’s May 17 decision and the Stewards’ September 25 ruling and civil sanction—and request *de novo* review under 15 U.S.C. § 3058(b)(1)-(3) and 16 CFR

1.146(b)—for multiple reasons.<sup>1</sup> First, the Stewards were incorrect that Appellant Ceballos engaged in acts or practices in violation of HISA Racetrack Safety Rule 2280. *See* Ex. B, Stewards Ruling, pp. 1-3. Rule 2280 allows a rider to “[u]se the crop on the hindquarters to activate and focus the Horse a maximum of 6 times during a race.” Using “the crop to preserve the safety of Horses and riders” should not be counted toward the maximum 6 permitted uses, nor should taps on the shoulder or “show[ing] or wav[ing] the crop without physically contacting the Horse.” Rule 2280(b)(2)-(4). The evidence established that Appellant Ceballos used the crop as Rule 2280 allows and, specifically, that he did not use the crop more than 6 times on the hindquarters to activate and focus the Horse. The Stewards misapplied Rule 2280 in counting uses of the crop that should not have been counted, including at least two uses which were, according to the evidence, committed for the safety of horses and riders. HISA acknowledged the case was “factually difficult,” yet it affirmed the Stewards’ September 25 ruling and civil sanction when the preponderance of the evidence *did not establish* that Appellant Ceballos committed a violation. On *de novo* review, the Administrative Law Judge should find that Appellant Ceballos did not violate Rule 2280 and that the Stewards’ September 25 ruling and civil sanction to the contrary, which HISA’s May 17 decision affirmed, was arbitrary, capricious, an abuse of discretion, prejudicial, or otherwise not in accordance with law.

Second, HISA’s May 17 decision did not contain findings of fact. HISA Enforcement Rule 8340(i) required HISA to issue “a written decision setting forth *findings of fact* . . .” (emphasis added). Because the Stewards’ September 25 ruling and civil sanction also did not contain findings

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<sup>1</sup> The constitutionality of HISA’s enabling statute, the Horseracing Integrity and Safety Act (15 U.S.C. § 3051 *et seq.*) is in serious question. The Fifth Circuit Court of Appeals held in *Nat’l Horsemen’s Benevolent & Protective Ass’n v. Black*, 53 F.4th 869 (5th Cir. 2022), that the statute “is facially unconstitutional.” Accordingly, Appellants reserve the right to challenge HISA’s May 17 decision and the Stewards’ September 25 ruling and civil sanction as arbitrary, capricious, an abuse of discretion, prejudicial, or otherwise not in accordance with law on the same grounds of facial unconstitutionality.

of fact, there is no argument that HISA's May 17 decision could have incorporated the Stewards' findings. On *de novo* review, the Administrative Law Judge should find that HISA's May 17 decision was not in accordance with law.

Third, HISA reached its May 17 decision following a hearing that lacked guaranteed protections in Rule 8340. Among other deficiencies (which are not waived but are hereby reserved and may be raised in the future), the hearing did not allow "a full presentation of evidence" and did not allow Appellants to "present" their full case or defense or "conduct such limited cross-examination as may be required for a full and true disclosure of the facts" because the Stewards' testimony was presented through a witness who did not appear in person, but rather appeared via Zoom (apparently *while driving*). See Rule 8340(g)-(h); see also 5 U.S.C. § 556; U.S. Const. amend. V, XIV (guaranteeing due process of law); U.S. Const. amend. VII (guaranteeing jury trial right where the value in controversy exceeds \$20.00). HISA's May 17 decision did not address or examine the deficient hearing procedure, stating only—in conclusory fashion—"All parties were provided the opportunity to present testimony, evidence, and argument . . . and did so." Ex. A, Decision on Appeal, p. 2. On *de novo* review, the Administrative Law Judge should find that HISA's May 17 decision was reached in contravention of Rule 8340 and, therefore, was arbitrary, capricious, an abuse of discretion, prejudicial, or otherwise not in accordance with law.

Pursuant to 16 CFR 1.146(a)(1), Appellants request an evidentiary hearing. Although neither HISA's May 17 decision nor the Stewards' September 25 ruling and civil sanction contained findings of fact, Appellants request a hearing to contest facts that HISA may claim it found, and to supplement the record with testimony of the Stewards' witness that Appellants could not present because the witness did not appear in person.

Further, pursuant to 16 CFR 1.148, Appellants request a stay of HISA's May 17 decision and the Stewards' September 25 ruling and civil sanction during the pendency of the Administrative Law Judge's review. As HISA determined during Appellants' appeal of the Stewards' September 25 ruling and civil sanction, there is "good cause" under HISA Enforcement Rule 8350(c) for a stay. *See* Ex. A, Order on Request for Stay Pending Appeal.

Respectfully submitted,



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and

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Washington, DC 20001  
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[njackson@fbtlaw.com](mailto:njackson@fbtlaw.com)  
*Counsel for Appellants*

**CERTIFICATE OF SERVICE**

Pursuant to 16 CFR 1.146(a) and 16 CFR 4.4(b), a copy of the forgoing is being served this 15th day of June 2023 via First Class mail and electronic mail upon the following:

Office of the Secretary  
Federal Trade Commission  
600 Pennsylvania Avenue NW, Suite CC-5610  
Washington, DC 20580

Hon. D. Michael Chappell  
Chief Administrative Law Judge  
Office of Administrative Law Judges  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580  
(Courtesy copies via e-mail to [oalj@ftc.gov](mailto:oalj@ftc.gov) and [electronicfilings@ftc.gov](mailto:electronicfilings@ftc.gov))

Bryan Beaman  
Sturgill Turner Barker & Moloney PLLC  
333 West Vine Street, Suite 1500  
Lexington, KY 40507  
[bbeaman@sturgillturner.com](mailto:bbeaman@sturgillturner.com)

Charles P. Scheeler  
Chair, Board of Directors  
Horseracing Integrity and Safety Authority  
401 West Main Street, Suite 222  
Lexington, KY 40507  
[charles.scheeler@dlapiper.com](mailto:charles.scheeler@dlapiper.com)

John L. Forgy  
Counsel, Horseracing Integrity and Safety Authority  
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[johnforgy1@gmail.com](mailto:johnforgy1@gmail.com)

0151952.0762715 4860-8797-2455v2

# EXHIBIT A

**HORSERACING INTEGRITY AND SAFETY AUTHORITY  
ACTION NO. 2022-00431**

IN RE: APPEAL OF JOSEPH PEACOCK  
AND OSCAR CEBALLOS

APPELLANTS

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**DECISION ON APPEAL**

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This matter arises under the jurisdiction of the Horseracing Integrity and Safety Authority (the “Authority”) established pursuant to the Horseracing Integrity and Safety Act (the “Act) at 15 U.S.C. § 3051, *et seq.*

On September 25, 2022, a stewards ruling was issued by Stewards at Albuquerque Downs to Joseph Peacock, Jr. (“Appellant Peacock”), as owner of a Covered Horse registered as SHERIFF BROWN and to Oscar Ceballos (“Appellant Ceballos”), as jockey of SHERIFF BROWN. The ruling stated that Appellant Ceballos violated HISA Rule 2280, Use of Riding Crop, by striking SHERIFF BROWN eleven times during the running of the sixth race at Albuquerque Downs on September 24, 2022. As a result of Appellant Ceballos’ violation of Rule 2280, the Stewards imposed a fine of \$500.00, a three-day suspension from participating in a Covered Horserace, five HISA points, and disqualification of SHERIFF BROWN from any eligible purse earnings.

Pursuant to Rule 8350, Appellants Ceballos and Peacock appealed the decision to the Board of the Authority (the “Board”) for review. The standard of review for appeals to the Board is set forth in Rule 8350(f): “Upon review of the decision which is the subject of the appeal, the Board shall uphold the decision unless it is clearly erroneous or not supported by the evidence or applicable law.”

Notice of the appeal hearing was served electronically on both Appellants on March 6, 2023. In accordance with the notice, the Board convened remotely via Zoom on Monday, March 27, 2023, at approximately 10:30 a.m. EDT. Attorneys Bryan H. Beauman and Rebecca C. Price appeared as counsel for the Authority. Attorney Joel Turner appeared as counsel for the Appellants. Appellant Ceballos and Appellant Peacock appeared for the hearing and were accompanied by the trainer of SHERIFF BROWN, Todd Fincher. All parties were provided the opportunity to present testimony, evidence, and argument to the Board, and did so. The Board notes that both parties received excellent legal representation.

After hearing the evidence, the Board retired to deliberate, and then rendered its decision on the record. This was a factually difficult and well-argued case. The Board did not reach a view on how it would have decided the matter in a de novo setting. The standard of review, however, is whether the stewards ruling in this case is clearly erroneous or is not supported by the evidence and applicable law. The Board finds there was no clear error, and that the stewards' ruling was supported by evidence and applicable law, and therefore **AFFIRMS** the stewards ruling and the attendant sanctions imposed upon Appellants, including disqualification of SHERIFF BROWN from any eligible purse earnings in connection with the sixth race on September 24, 2022, at Albuquerque Downs. Appellant Ceballos shall have thirty (30) days from the date of the order to pay any fine and will serve dates of suspension to be set by the stewards at Albuquerque Downs.

This decision is the final decision of the Authority pursuant to 15 U.S.C. § 3058.

### **APPEAL RIGHTS**

Pursuant to 15 U.S.C. § 3058(b), the Appellants may appeal the civil sanction imposed by this decision to the Federal Trade Commission within 30 days of the Authority's submission to the Federal Trade Commission of notice of the civil sanction. The Authority will provide notice of



this decision to the Federal Trade Commission on the date that this decision is issued to the Appellants.

So **ORDERED** this 17th day of May, 2023.



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Charles P. Scheeler  
Chair, Board of Directors

## CERTIFICATE OF ISSUANCE

Undersigned counsel certifies that on May 17, 2023, this Decision on Appeal was issued via first class mail and email to:

Joel Turner  
[jturner@fbtlaw.com](mailto:jturner@fbtlaw.com)  
400 West Market Street, Suite 3200  
Louisville, Kentucky 40202

Bryan Beauman  
[bbeauman@sturgillturner.com](mailto:bbeauman@sturgillturner.com)  
333 West Vine Street, Suite 1500  
Lexington, Kentucky 40507

/s/ John Forgy  
John Forgy  
Counsel to HISA



**HORSERACING INTEGRITY  
AND SAFETY AUTHORITY**

# NOTICE OF APPEAL HEARING

<b>HISA Action Number: 2022-00431</b>	<b>Appeal Filing Date: 10/3/2022</b>
<b>Appellant Name: Oscar Ceballos</b>	<b>Appellant HISA ID: P-000-017-429</b>
<b>Ruling Date: 9/25/2022</b>	<b>Ruling Issued by the following steward(s): Larry Fontenot Elizabeth Garcia Connie Estes</b>

## JURISDICTION

15 U.S.C. 57(a) § 3054 establishes jurisdiction for HISA to conduct this hearing. The procedures outlined in Rule 8350 will govern the adjudication of this appeal hearing.

## APPEAL HEARING INFORMATION

This Notice of Appeal Hearing serves as notice of hearing for the Horseracing Integrity and Safety Authority's (HISA) Board to review your filed appeal of the Albuquerque Downs stewards' ruling issued against you on September 25, 2022. The stewards' ruling; the filed appeal; and, if applicable, the HISA Board Order granting/denying a stay of penalties in this matter are attached.

## HEARING INFORMATION

Date: **October 24, 2022**

Time: **12:00 P.M. EDT/10:00 A.M. GDT**

Use the following link and meeting information to attend the hearing:

<https://us02web.zoom.us/j/83241865546?pwd=ZlI2dGRLNFhPaWIPSk5wa2FDTHhTZz09>

Meeting ID: 832 4186 5546; Passcode: 091033; Dial-in number: +1 646 931 3869.

This Notice was served via email to the following individual(s) at the below listed email address(es):

Oscar Ceballos – [REDACTED]  
Autumn Barton – [autumn.barton@pngaming.com](mailto:autumn.barton@pngaming.com)

By: Rebecca C. Price  
Title: Horseracing Integrity Safety Authority Enforcement Counsel  
Date of Service: October 6, 2022



## STEWARDS RULING

**This form is to be used in cases involving violations of the following rules:  
Rules 2271(b) and 2272 (shockwave therapy), 2273 (electrical device), and 2280 (riding crop)**

<b>ISSUED TO:</b>		
Name: Oscar Ceballos	HISA ID: P-000-017-429	
<b>FORMS</b>		
<p>The stewards may opt to <b>either:</b>                  Use any applicable state "stewards ruling" form; attach this form to the state form with only the name and HISA ID filled in above; and issue both forms to the person charged with a violation; <b>or</b>                  Complete this HISA Stewards Ruling form in full, and issue this form to the person charged with a violation</p>		
<b>VIOLATION INFORMATION</b>		
HISA Rule Number Violated and Description of Violation: 2280 Use of Riding Crop/2282 Riding Crop Violation and Penalties – Class 2 Violation		
Violation Date: 9/24/2022	Violation Location: ALB	Race (if applicable): 6th
Statement of Factual Basis for Ruling: 5 Strikes over the Limit		
<b>RULING</b>		
Fine \$2,160.00 (20% purse)- and 3-Day Suspension (Taking October 4 <sup>th</sup> , 5 <sup>th</sup> and 8 <sup>th</sup> , 2022) – 5 Points		
<b>APPEAL INFORMATION</b>		
Any Stewards ruling finding a violation may be appealed to the HISA Board pursuant to Rules 8320(a) and/or 8350 by filing a written request for appeal with the Board within 10 days of the issuance of the Stewards ruling. Rule 8350 specifies the requirements that must be included in the written request for appeal. An appeal to the Board will not automatically stay the Stewards Ruling. A stay must be requested and the Board shall order a stay for good cause shown.		

By:	Date: 
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✓  
H. 911 -  
P. 000-017-429

### NEW MEXICO STATE RACING COMMISSION

### JOCKEY'S INFRACTION FORM

JOCKEY NAME: O. Ceballos NUMBER OF RACE: 6

DATE OF RACE: 9-24-22 TRACK: alb

YOU ARE TO REPORT TO THE STEWARDS ON Sun AT 10 AM/PM  
FOR THE FOLLOWING INFRACTION:

- RIDING INFRACTION
- FAILURE TO MAKE ASSIGNED WEIGHT
- FAILURE TO REPORT WITH THE CORRECT WEIGHT
- LATE TO PADDOCK
- NO SHOW
- LATE TO REPORT TO CLERK
- MISUSE OF WHIP
- CONDUCT
- OTHER: \_\_\_\_\_

You may have a representative accompany you. In addition, if you are unable to be present, a representative may attend in your place.

I will be unable to attend and wish to be represented by: \_\_\_\_\_

Name of Representative (Print)

\_\_\_\_\_  
Signature of Representative

**BY SIGNING BELOW, YOU ACKNOWLEDGE THAT YOU HAVE RECEIVED, UNDERSTAND, AND ACCEPT THIS FORM. SIGNING THIS FORM IS ALSO NOT AN ADMISSION OF GUILT, JUST RECOGNITION OF RECEIPT.**

\_\_\_\_\_  
Signature of Jockey

\_\_\_\_\_  
Date

Arnold Araya  
Clerk of Scales, Steward, or other Witness

9-24-22  
Date



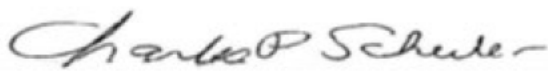
## REQUEST FOR STAY PENDING APPEAL

All information requested below must be provided in order for this Request for Stay to be effective pursuant to Rule 8350(c). This form may be filed by email at [Reporting@hisaus.org](mailto:Reporting@hisaus.org), or by mail to: Horseracing Integrity and Safety Authority, 401 W Main Street Suite 222, Lexington, Kentucky 40507.

PERSON REQUESTING STAY		
Name: Oscar Ceballos	HISA ID Number: P-000-017-429	
Address: ██████████ ██████████ ██████████	Email: ██████████@██████████.██	Telephone: ██████████-██████████-██████████ ██████████-██████████-██████████
RULING, DECISION, OR ORDER FOR WHICH STAY IS REQUESTED		
Name of Steward(s) or other Official(s) Issuing Ruling, Decision, or Order Larry Fontenot Jr	Racetrack (if applicable): ALB	Rule Number Violation(s):6th
Date of Ruling, Decision, or Order:9/24/2022		Penalty Imposed: Fine \$2,160.00 3 days 5 strikes
JUSTIFICATION FOR REQUEST FOR STAY		
<p>This Request for Stay should be granted for the following reasons: (attach additional page(s) if necessary):</p> <p><i>I know I was <del>penalized</del> <sup>(penalized)</sup> for 6 strike rule, but I believe many of the strikes were flags or brushes on the shoulder I believe the brushes or flags are being considered strikes. I believe my actions with the whip are being counted against me, I believe my actions are to encourage the horse to the best of my ability.</i></p>		
Print Name: OSCAR CEBALLOS.		
Signature:		
Date: 10-03-2022.		




## ORDER ON REQUEST FOR STAY PENDING APPEAL

REQUESTOR INFORMATION		
Name: Oscar Ceballos HISA ID Number: P-000-017-429		Date of Request: October 3, 2022
Address: [REDACTED]	Email: [REDACTED]	Telephone: [REDACTED]
DECISION INFORMATION		
Date of Decision: September 24, 2022	Track: Albuquerque Downs	Rule Number Violation: HISA #2280(b)(2)
Issuing Body: <input type="checkbox"/> HISA Racetrack Safety Committee <input type="checkbox"/> HISA Initial Board Hearing Panel <input checked="" type="checkbox"/> Stewards <input type="checkbox"/> National Stewards Panel <input type="checkbox"/> Arbitral Body		
Description of Violation: Riding Crop Violation, Horseracing Integrity and Safety Authority Rules #2280 and #2282	Penalty: Three-day suspension to be served October 4, 5, and 8; \$2,160.00 fine; 5 points assessed	
DECISION OF HISA BOARD		
For good cause shown under Horseracing Integrity and Safety Authority Rule 8350(c), a request for stay of the penalties for this violation is granted pending the appeal.		
Print Name: Charles P. Scheeler		
Signature: 		
Date: October 3, 2022		

# NOTICE OF STEWARDS HEARING

This form is to be used in cases referred by the HISA Board or Racetrack Safety Committee to the Stewards for hearing and ruling under Rules 8320(b)(3) and 8330(c)

<b>HISA Action Num:</b>		<b>Violation Date: 09/24/2022</b>	
<b>State Tracking Number:</b>			
<b>Track Name: ALB</b>		<b>Track HISA ID: L000000022</b>	
<b>Issued By:</b>		<b>Issued To:</b>	
HISA ID: P-000-000-196		HISA ID: P-000-001-867	
Name: Larry L Fontenot Jr		Name: Joseph Peacock Jr	
<b>FORMS:</b>			
The stewards may opt to either: <input type="checkbox"/> Complete this HISA Notice of Stewards Hearing form in full, and issue this form to the person charged with a violation or <input type="checkbox"/> Use any applicable state "notice of stewards hearing" form; attach this HISA Notice of Stewards Hearing form to the state form, with only the name and HISA ID of the steward and person charged filled in above; and issue both forms to the person charged with a violation;			
<b>VIOLATION INFORMATION</b>			
<b>Violated Rule Number and Description:</b>			
If Applicable...			
Race: 6th                  Horse Name: SHERIFF BROWN                  Horse HISA ID: H-000-004-364			
<b>Statement of Factual Basis:</b>			
Covered Owner, Peacock Family Holdings, L.P. (Joseph Peacock Jr. HISA ID # P 000-001-867), owner of the horse "Sheriff Brown", was properly noticed, and appeared telephonically before the Downs at Albuquerque Board of Stewards on September 25, 2022, regarding a violation of HISA rule 2282 (a) (2) by jockey, Oscar Ceballos while aboard "Sheriff Brown" in the 6th race at the Downs at Albuquerque on September 24, 2022. Having striking the horse 11 times 5 strikes over the limit.			
<b>HEARING INFORMATION</b>			
The hearing will be held on <u>9-25-22</u> at <u>10:00 AM</u> and conducted by <u>Larry Fontenot Jr - Connie Estes - Liz Garcia</u> .			
Steward Signature			
			



# EXHIBIT B



## STEWARDS RULING

**This form is to be used in cases involving violations of the following rules:**

**Rules 2271(b) and 2272 (shockwave therapy), 2273 (electrical device), and 2280 (riding crop)**

<b>ISSUED TO:</b>		
Name: Oscar Ceballos	HISA ID: P-000-017-429	
<b>FORMS</b>		
<p>The stewards may opt to <b>either</b>:</p> <p>Use any applicable state "stewards ruling" form; attach this form to the state form with only the name and HISA ID filled in above; and issue both forms to the person charged with a violation; <b>or</b></p> <p>Complete this HISA Stewards Ruling form in full, and issue this form to the person charged with a violation</p>		
<b>VIOLATION INFORMATION</b>		
HISA Rule Number Violated and Description of Violation: 2280 Use of Riding Crop/2282 Riding Crop Violation and Penalties – Class 2 Violation		
Violation Date: 9/24/2022	Violation Location: ALB	Race (if applicable): 6th
Statement of Factual Basis for Ruling: 5 Strikes over the Limit		
<b>RULING</b>		
Fine \$2,160.00 (20% purse)- and 3-Day Suspension (Taking October 4 <sup>th</sup> , 5 <sup>th</sup> and 8 <sup>th</sup> , 2022) – 5 Points		
<b>APPEAL INFORMATION</b>		
Any Stewards ruling finding a violation may be appealed to the HISA Board pursuant to Rules 8320(a) and/or 8350 by filing a written request for appeal with the Board within 10 days of the issuance of the Stewards ruling. Rule 8350 specifies the requirements that must be included in the written request for appeal. An appeal to the Board will not automatically stay the Stewards Ruling. A stay must be requested and the Board shall order a stay for good cause shown.		

By:	Date: 8-25-22
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✓  
H.911 -  
P.000-017-429

NEW MEXICO STATE RACING COMMISSION

JOCKEY'S INFRACTION FORM

JOCKEY NAME: O. Ceballos NUMBER OF RACE: 6

DATE OF RACE: 9-24-22 TRACK: alb

YOU ARE TO REPORT TO THE STEWARDS ON Sun AT 10 AM/PM  
FOR THE FOLLOWING INFRACTION:

- RIDING INFRACTION
- FAILURE TO MAKE ASSIGNED WEIGHT
- FAILURE TO REPORT WITH THE CORRECT WEIGHT
- LATE TO PADDOCK
- NO SHOW
- LATE TO REPORT TO CLERK
- MISUSE OF WHIP
- CONDUCT
- OTHER: \_\_\_\_\_

You may have a representative accompany you. In addition, if you are unable to be present, a representative may attend in your place.

I will be unable to attend and wish to be represented by: \_\_\_\_\_  
Name of Representative (Print)

\_\_\_\_\_  
Signature of Representative

**BY SIGNING BELOW, YOU ACKNOWLEDGE THAT YOU HAVE RECEIVED, UNDERSTAND, AND ACCEPT THIS FORM. SIGNING THIS FORM IS ALSO NOT AN ADMISSION OF GUILT, JUST RECOGNITION OF RECEIPT.**

\_\_\_\_\_  
Signature of Jockey

\_\_\_\_\_  
Date

Arnulfo Araiza  
Clerk of Scales, Steward, or other Witness

9-24-22  
Date



New Mexico Racing Commission  
4900 Alameda NE  
Albuquerque, NM 87113

Ruling #: 2022-DAA-52  
Track Downs at Albuquerque  
Ruling Date: 9/25/2022

Licensee: PEACOCK JR., JOSEPH R  
License Type: 2022 1 Year Owner Applicant Id: 161821  
License Number: 303768

Ruling # 2022-DAA-52

Action Type: Initial Ruling

Ruling:

Covered Owner, **Peacock Family Holdings, L.P. (Joseph Peacock Jr. HISA ID # P 000-001-867)**, owner of the horse "**Sheriff Brown**", was properly noticed, and appeared telephonically before the Downs at Albuquerque Board of Steward's on September 25, 2022, in regards to a violation of HISA rule 2282 (a) (2) by jockey, Oscar Ceballos while aboard "**Sheriff Brown**" in the 6th race at the Downs at Albuquerque on September 24, 2022.

1. For this violation, the horse "**Sheriff Brown**" is hereby disqualified from 1st place and ordered unplaced from the 6th race on September 24th, 2022, at The Downs at Albuquerque Racetrack for all but parimutuel wagering purposes.

The purse redistribution for the 6th race on September 24, 2022, is as follows:

5 MINE THAT STAR  
7 FLEETRIDGE  
1 GODDARD  
10 TARTINI  
6 ZESTFUL  
9 ASTRONOMICAL  
4 RAISEBEFORETHEFLOP  
11 SLY  
2 OFFSHORE AFFAIR  
UNPLACED: "8 SHERIFF BROWN"

***Licensee is found to be in violation of:***

**2282. Riding Crop Violations and Penalties**

***This ruling is written in accordance with HISA Rules and Regulations:***

(a) Violations of Rule 2280 shall be categorized as follows, with the exception that use of the crop for the

safety of Horse and rider shall not count toward the total crop uses:

(1) Class 3 Violation—1 to 3 strikes over the limit.

(2) Class 2 Violation—4 to 9 strikes over the limit.

(3) Class 1 Violation—10 or more strikes over the limit.

(b) Unless the stewards determine the merits of an individual case warrant consideration of an aggravating or mitigating factor, the penalties for violations are as follows:

(1) Class 3 Violation—

(i) \$250 or 10% of Jockey's portion of the purse, whichever is greater;

(ii) Minimum 1-day suspension for the Jockey; and

(iii) 3 points;



New Mexico Racing Commission  
4900 Alameda NE  
Albuquerque, NM 87113

Ruling #: 2022-DAA-52  
Track Downs at Albuquerque  
Ruling Date: 9/25/2022

Licensee: PEACOCK JR., JOSEPH R  
License Type: 2022 1 Year Owner      Applicant Id: 161821  
License Number: 303768

- (2) Class 2 Violation—
  - (i) \$500 or 20% of Jockey's portion of the purse, whichever is greater;
  - (ii) Horse disqualified from purse earnings,
  - (iii) Minimum 3-day suspension for the Jockey; and
  - (iv) 5 points;
- (3) Class 1 Violation—
  - (i) \$750 fine or 30% of Jockey's portion of the purse, whichever is greater,
  - (ii) Horse disqualified from purse earnings,
  - (iii) Minimum 5-day suspension for the Jockey;
  - (iv) 10 points.

Any Stewards ruling finding a violation may be appealed to the HISA Board pursuant to Rules 8320(a) and/or 8350 by filing a written request for appeal with the Board within 10 days of the issuance of the Stewards ruling. Rule 8350 specifies the requirements that must be included in the written request for appeal. An appeal to the Board will not automatically stay the Stewards ruling. A stay must be requested, and the Board shall order a stay for good cause shown.

By Order of The Downs at Albuquerque Stewards