

IN MATTER OF AN APPEAL UNDER ENABLING LEGISLATION OF THE
LEGISLATURES OF THE PROVINCES OF PRINCE EDWARD ISLAND, NOVA
SCOTIA, NEWFOUNDLAND AND LABRADOR, AND NEW BRUNSWICK
ESTABLISHING AN ATLANTIC PROVINCES HARNESS RACING COMMISSION AND UNDER THE
RULES AND REGULATIONS OF THE ATLANTIC PROVINCES HARNESS RACING COMMISSION.
Appeal Heard at Kensington, PE, October 21, 2022.

BETWEEN:

Darla MacEachern

APHRC Licensee

APPELLANT

AND:

Judge's ruling

August 30, 2022, Positive test SRW

RESPONDENT(S)

PRESENT:

A panel consisting of Commissioners, Frank Balcom (NS), Stefan DeCoursey (NB), Dr. Mitch Downey (NB), Lowell Crowe (NS) and Jacinta Campbell (PEI) convened to hear the appeal. Cindy Doucette, and Mike Wilson appeared at the hearing for the Administration. Appellant Darla MacEachern appeared and was self-represented.

The Appeal Hearing was conducted under the provisions of Section 7. 3 of the Atlantic Provinces Harness Racing Rules and Regulations and the procedure for the conduct of the Appeal Hearing was guided by that Section.

The Chair, Frank Balcom introduced all those present and then asked both parties if they accepted the jurisdiction of the APHR Commission Appeal Panel of four (4) Commissioners; to conduct the Appeal and to render a written Decision in due time. All parties accepted the jurisdiction of the Atlantic Provinces Harness Racing Commission Appeal Panel of four (4) Commissioners.

PRELIMINARY MATTERS:

The Chair asked if there were any Preliminary Matters to be dealt with, and there being none, the hearing continued.

POSITION OF THE RESPONDENT JUDGES PANEL:

The panel of Judges after receiving a Certificate of Positive Analysis of an Official Sample for the Horse "Azure Beach" which contained Ephedrine and its metabolite Phenylpropanolamine, Pylilamine and its metabolite O-Desmethylpyrilamine from race #3 at Summerside Raceway on August 30th, 2022. The Judges issued a ruling for a first offence class 3 violation, with a \$500 fine and a 60-day full suspension.

END OF RESPONDENT'S SUBMISSION

POSITION OF THE APPELLANT APHRC LICENSEE Darla MacEachern

Darla MacEachern stated that she had just purchased Azure Beach and had only had him since August 24th. She stated that she understood her responsibilities as a Trainer, and that she has no idea how the positive test happened. Darla provided decisions from positives in Ontario that had similar medications but lesser penalties.

END OF SUBMISSIONS BY THE APPELLANT AND RESPONDENT

DECISION OF THE ATLANTIC PROVINCES HARNESS RACING APPEAL PANEL OF four (4) COMMISSIONERS.

After a thorough Appeal Hearing, a review of evidence and post hearing deliberations, your APHR Commission by a unanimous decision of 4-0 finds as follows:

The Appeal of Darla MacEachern is disallowed

Reason for Decision:

1. The Appeal Board members after reviewing the evidence presented by both parties, considering Trainer responsibility, and finding no extenuating circumstances agreed that the Judge's decision shall stand, the minimum penalties issued are consistent for a class (3) first offence under the APHRC penalty guidelines.

AS PER  MIKE WILSON
Frank Balcom
Chairman APH Racing Commission Appeal Panel of four (4),

DATED AT KENSINGTON, PRINCE EDWARD ISLAND THIS 21st DAY OF October, A.D., 2022.
MW/Kensington. PEI.