

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

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ATLANTIC PROVINCES HARNESS RACING COMMISSION.

Appeal Heard at Kensington, PE, October 20, 2023.

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BETWEEN:

Earl Watts  
APHRC Licensee

APPELLANT

AND:

Derek Quinn, Senior Judge  
August 14 at CDP Race 7  
RESPONDENT(S)

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PRESENT:

A panel consisting of Commissioners, Jacinta Campbell (PE) Lowell Crowe (NS), Keith Gowan (NFLD) and Dr. James Boswall (PE) convened to hear the appeal. The Vice Chair Stefan DeCoursey (NB) conducted the appeal hearing. Cindy Doucette and Acting Director Brett Revington, appeared at the hearing for the Administration. Appellant Earl Watts represented himself, as did the respondent, Senior Judge Derek Quinn.

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.

Vice Chair Decourcey 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:

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

POSITION OF THE RESPONDENT JUDGES PANEL:

Senior Judge Quinn described the Judges routine when receiving a positive test. He contacted Mr. Watts for the notification and arranged to have a hearing a couple days later. At the time Mr. Watts didn't have an explanation for what could have happened. The Judge's issued the minimum penalty per the guidelines.

END OF RESPONDENT'S SUBMISSION

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POSITION OF THE APPELLANT APHRC LICENSEE Earl Watts

Mr. Watts admitted they injected the horse with Methylprednisolone but felt they followed the guidelines for the quantity used, actually lower than the recommended amount and felt sat out long enough again per recommended guidelines. Mr. Watt's then called his Veterinarian, Dr. Kathleen MacMillan. Dr. MacMillan testified she treated the horse with 80mg of Depo and 16mg of Kenalog. During the procedure fluid was obtained from the joints injected. She felt confident she wa in the joint and no medication was injected extra-capsular. She felt that using below the recommended amount and sitting out 6 days would be sufficient. She did offer a possible explanation that by using a combination of both drugs could have impacted the metabolizing of Depo.

END OF SUBMISSIONS BY THE APPELLANT AND RESPONDENT

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By a 4-0 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 decision of 4-0 finds as follows:

The Appeal of Mr. Watts is **DENIED**.

**The original decision of the Judges has been UPHELD.**

**Reason for Decision:**

1. The Appeal Board members by a decision of 4-0 felt that more caution should have been acted on especially when combining the 2 drugs. Also, it was noted the withdrawal times and recommended dosage are just guidelines.
2. Mr. Watts shall be suspended from October 30<sup>th</sup> to November 28<sup>th</sup>, 2023. \$200 fine.

BR For Stefan Decourcey

Stefan Decourcey Vice Chair, APH Racing Commission Appeal Panel of Four (4),

DATED AT KENSINGTON, PRINCE EDWARD ISLAND THIS 24th DAY OF  
October, A.D., 2023.

BR/Kensington. PEL