

Ruling # 12201

IN THE MATTER OF A HEARING UNDER ENABLING LEGISLATION OF THE LEGISLATURES OF THE PROVINCES OF PRINCE EDWARD ISLAND, NOVA SCOTIA, AND NEW BRUNSWICK ESTABLISHING AN ATLANTIC PROVINCES HARNESS RACING COMMISSION AND UNDER THE RULES AND REGULATIONS OF THE ATLANTIC PROVINCES HARNESS RACING COMMISSION.

Hearing at Kensington, PE, May 2nd – 3rd, and May 9th, 2024

BETWEEN: Atlantic Provinces Harness
Racing Commission
Per: Kevin Crowell, Senior
Judge

AND: Dawn Hubbard
(4175T5)
APHRC Licensee

A Panel consisting of Jacinta Campbell (P.E.I.), Lowell Crowe (N.S.), Keith Gowan (N.F.L.D) and Dr. James Boswall (P.E.I.) was convened to conduct a hearing in respect of charges against Dawn Hubbard under the provisions of the Rules of Standardbred Harness Racing. Jacinta Campbell acted as Chair of the hearing and did not vote.

The Hearing was conducted under the provisions *Atlantic Provinces Harness Racing Commission Act*, RSPEI 1988, c A-22.1 (the “Act”) and the Rules of Standardbred Harness Racing (the “Rules”) which are enacted pursuant to the Act.

BACKGROUND:

Ms. Hubbard had a hearing before Senior Racing Judge Kevin Crowell on July 12, 2023, following receipt by the Commission of a certificate of positive test confirming the presence of Codeine and its metabolite codeine – 6B – Glucuronide, and Morphine and its metabolite morphine – 6B – Glucuronide in a horse trained by Ms. Hubbard on June 18, 2023. Senior judge Crowell issued a decision on July 13, 2023, issuing a fine and suspension in accordance it the penalty table provided for in the Rules.

Ms. Hubbard arranged for testing of a split sample. The results confirmed the presence of the substances in question. However, the panel was satisfied by the evidence presented at the appeal hearing that the concentration of the drug in the horse's system was extremely low, such that it would not have had an effect on the performance of the horse.

DECISION:

The Panel thoroughly reviewed the material presented and carefully considered the arguments presented by counsel at the hearing. Following deliberations, the Panel unanimously (3-0) decided that Ms. Hubbard violated the Equine Medication Control provisions of the Rules, including the trainer responsibility rule (Rule 122). However, the Panel also unanimously decided that there were mitigating circumstances warranting a lower penalty than the default penalty for a Class 1 drug offence set out in Rule 367(2)(A).

Ms. Hubbard has already served almost eleven months of the suspension imposed by Senior Judge Crowell. The Panel reduces the suspension to time served and reduces the fine to zero dollars (\$0) on account of mitigating circumstances.

More detailed written reasons for the Panel's decision will be released in due course. This Ruling is being released before full written reasons have been prepared to bring an immediate end to Ms. Hubbard's suspension, giving effect to the Panel's decision regarding mitigating circumstances.


Jacinta Campbell, Hearing Chair

Dated this 6 day of June 2024, at Kensington, Prince Edward Island.