

Ruling # 12209

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, July 10th – 11th, 2024

BETWEEN:

Atlantic Provinces Harness
Racing Commission
Per: Kent Butler, Senior Judge

AND:

Jason Hughes
(276B7)
APHRC Licensee

A Panel consisting of Jacinta Campbell (PEI), Lowell Crowe (NS), Dawn Hubbard (NB), and Dr. James Boswall (PEI) was convened to conduct a hearing in respect of charges against Jason Hughes under the provisions of the Rules of Standardbred Racing. Jacinta Campbell acted as Chair of the meeting and did not vote.

The Hearing was conducted under the provisions *Atlantic Provinces Harness Racing 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:

Mr. Hughes had a hearing before Senior Racing Judge Kent Butler on February 13, 2024, following receipt by the Commission of a certificate of a positive analysis confirming the presence of Oxymorphone in a horse trained by Mr. Hughes on January 13, 2024. Senior Racing Judge Butler issued a decision on February 24, 2024, issuing a fine and suspension under the penalty table provided for in the Rules.

Mr. Hughes arranged for testing of a residue sample. The results confirmed the presence of the substance in question. However, the Panel was satisfied by the evidence presented at the Appeal hearing that the concentration of the drug was at a trace amount and would have no performance enhancing effect on the horse.

DECISION:

The Panel thoroughly considered all the material presented and carefully considered the arguments advanced by Counsel at the hearing.

The Panel accepted the testimony of all parties that there was no evidence that would indicate that substance in the horse was the result of unauthorized administration under Section 6.8.3 of the Rules – Equine Medication Control.

In addition, the Panel considered Rule 122 commonly referenced as the trainer responsibility rule. This rule states that a trainer must use all reasonable precautions in safeguarding any horse against tampering and use all reasonable standards of care and protection to prevent any unauthorized administration of a prohibited substance.

The Panel was satisfied that Mr. Hughes met all reasonable precautions and all reasonable standards of care.

Based on the evidence the Panel concluded that the certificate of positive analysis was most likely the result of an inadvertent transfer of Oxymorphone, a human use drug in wide use.

Therefore, his privileges as a Licensee of the Atlantic Provinces Harness Racing Commission are reinstated, effective immediately. The fine is reduced to zero dollars (\$0).

This unanimous Ruling of the Appeal Panel is being released before written decisions have been prepared to bring an immediate end to Mr. Hughes suspension. Written reasons will follow in due course.

Mitch Murphy, Director of Racing

Dated this 15th day of July 2024, at Kensington, Prince Edward Island