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## **Written reasons for Ruling # 11707 Lamotrigine Positive**

Certificate of Positive Analysis – Class 3 Drug – Lamotrigine

Connell Park, Woodstock, New Brunswick, September 7, 2024

Horse – Woodmere Flojo (5XN696), brown two-year-old pacing filly

Trainer – Jamie E Smith (278E64)

The Atlantic Provinces Harness Racing Commission received a certificate of positive analysis for a Class 3 drug Lamotrigine on Monday, September 23, 2024. The positive test was from a urine sample collected at Woodstock, NB on September 7, 2024.

The Director of Racing contacted Senior Racing Judge Bob Wallace on September 23, 2024, and emailed Mr. Wallace a copy of the positive certificate. Mr. Wallace was the senior racing judge in Woodstock on September 7, 2024.

Mr. Wallace confirmed the matching identification tags between the certificate of positive analysis and the urine test sample from the horse with Racing Forensics test inspector, Janine Montgomery on September 24, 2024. The horse identified was Woodmere Flojo and the trainer was Jamie E Smith.

Senior racing judge Wallace provided the name of the horse and the trainer to the Director of Racing for the APHRC. The Director of Racing met with APHRC Senior Investigator Chris Watts on September 24, 2024, and asked Mr. Watts to inform Mr. Smith of the positive test and to conduct a thorough investigation and file a report to the Director of Racing and to Senior Racing Judge Wallace. The report would be necessary for the racing judges to fulfill their obligations under Rule 367 (1)(a).

Mr. Watts informed Mr. Smith of the positive test on September 24, 2024 and the suspension of Woodmere Flojo. Investigator Watts filed his report with the Director of Racing and Senior racing Judge Wallace on September 28, 2024.

Senior Judge Wallace, Senior Judge Kevin Crowell and Associate Judge Ed Smith held a hearing with Jamie E Smith on Sunday, September 29, 2024, as per Rule 406.

These three judges were in the judges stand in Woodstock on September 7, 2024.

Mr. Jamie E Smith represented himself at the hearing.

**Rules concerning Equine Medication Control are contained in Section 6.8.3 of “the Rules”.**

Rule 366. (1) Unauthorized administration of any drug or foreign substance, or the administration of nontherapeutic medications to racehorses is absolutely prohibited.

(c) “Unauthorized administration by the Trainer of Record shall be presumed in the case of a positive test under Rule 367. The Trainer of Record may rebut the presumption of unauthorized administration by demonstrating on a balance of probabilities (s)he made every reasonable effort to comply with the obligations of Rule 122 and protect the racehorse from unauthorized administration”

Rule 367. Where any test taken under the Pari-mutuel Betting Supervision Regulations reveals a positive presence of a restricted drug as described in such regulations, the APHRC shall refer to the uniform classification guidelines for foreign substances concerning the drug class.

(1) Rule On Drug Classifications—Upon finding of a violation of these medication and prohibited substances rules, the senior judge shall consider the classification level of the violation as currently established by the Uniform Classification Guidelines of Foreign Substances as promulgated by the Association of Racing Commissioners International Inc., and impose penalties and disciplinary measures consistent with the prescribed APHRC penalty table (Rule 367 (2)(a)).

(a) Prior to deciding on the imposition of penalties and disciplinary measures, the judge(s) shall consider the presence of any mitigating and/or aggravating circumstances.

(b) In the event the judge or a majority of them, find mitigating circumstances to be present, discretion may be exercised to impose a lesser penalty than the minimum penalty indicated in the APHRC penalty table Rule 367 (2) (a).

Lamotrigine is a Class 3 Drug and without mitigating circumstances carries a minimum sanction of 60-100 days suspension and a \$500 fine for the trainer. In addition, the horse that provided the positive test sample is suspended for 15 days.

Under Rule 367 1(a) the judges shall consider mitigating circumstances (things that may decrease the sanction) and/or aggravating circumstances (things that may increase the sanction).

And, under Rule 367 (b) if the majority of judges find mitigating circumstances to be present, they may exercise their discretion to impose a lesser penalty than the minimum.

## **The Mitigating Circumstances and the Lesser Penalty.**

What were the mitigating circumstances considered by the judges in this matter? The investigator's report provided valuable information for the judges to consider.

1. Jamie Smith has no previous violations concerning positive tests or medication errors.
2. Photographic evidence provided by the investigator show a well-kept barn and medication control records and safe and secure storage of medications.
3. An interview with Mr. Smith's veterinarian, Dr, Jennifer Burns, indicate a highly competent trainer with a history of exemplary care for his animals. Dr. Burns provided a letter to this affect. She also indicated that Lamotrigine is a human use drug not used in the equine industry. It is not a performance enhancement drug (PED) and in her expert opinion the fact that the drug was found in the horse was most like from any of several sources of environmental contamination.
4. Positive tests with Lamotrigine are very rare. Judges only found one case in Canada in recent memory. The case from Ontario in 2023 saw a suspension of 15 days and a fine of \$1000 dollars. The probable source in that case was from an employee of the trainer.
5. The most direct evidence that this was likely a source of environmental contamination came from an interview conducted on September 28, 2024, by Investigator Watts and, a licensed Owner/Trainer with the APHRC, based in Woodstock.

The licensee informed Mr. Watts that he is prescribed Lamotrigine to defer side affects from other medications he takes for other health related issues. He is a dialysis patient and often needs to empty his bladder. He also confirmed that this often occurs in the stall that was assigned to Woodmere Flojo on September 7, 2024.

When the licensee heard of the positive test for lamotrigine, he came forward to share information that he had a prescription for the medication.

The licensee also provided the Investigator with evidence of his current Lamotrigine prescription.

\*Judges wish to thank the licensee for his honesty and cooperation in this matter and wish him good health.

Following the hearing with Jamie E Smith the judges are satisfied that on the balance of probabilities the Lamotrigine detected in Woodmere Flojo from a test sample

taken at Woodstock on September 7, 2024, was from an inadvertent transfer of the drug from the contents of the stall that housed the horse that day.

The judges also believe that Jamie E Smith bears no responsibility for the positive test and that he met the test of reasonableness under Rule 122.

However, APHRC judges have a responsibility to protect the integrity of the harness racing industry in our jurisdiction.

The horse Woodmere Flojo did compete with a Class 3 prohibited substance in her system on September 7, 2024. Although it is not a PED, it was in the horse's system. Lamotrigine is a prohibited substance and the fact that it was in the horse on September 7, 2024 is a violation of the Canadian Pari-Mutuel Betting Regulations.

Therefore, judges have issued a suspension of 12 days to Jamie Smith as trainer of Woodmere Flojo.

In addition, Mr. Smith will have to return any prize money, and Woodmere Flojo is suspended for 15 days – September 24, 2024 to October 8, 2024 inclusive.

Mr. Smith may transfer other horses trained by him to another APHRC approved trainer and follow the conditions associated.