

**MAINE STATE HARNESS RACING COMMISSION
DECISION AND ORDER
IN RE: DR. DENNIS FOSS**

Based on the evidence reviewed by the Commission at the appeal hearing held on January 25, 2021 the Commission adopts the following Findings of Fact as follows:

- 1. Appellant Foss alleges that the horse named Empire Earl N went inside the pylons during the seventh race of a race at First Track Cumberland on October 2, 2021.**
- 2. The judges at the track reviewed the race and concluded that Empire Earl N did not go within the pylons. As a result of their finding, they did not place the horse.**
- 3. Appellant filed a written appeal on October 4, 2021.**
- 4. A review of the race video indicates that the of the the judges was proper.**

Based on these Findings of Fact, the Commission concludes that the Appellant has not proven, by a preponderance of the evidence, that a violation did occur.

Therefore, as a matter of law, the APPEAL is DENIED.

Commissioners:

Timothy Archambault:	NOT PRESENT
Barry Norris:	YEA
Richard Shiers:	YEA
James Kelley, Jr.	YEA
Edward Kelleher	NOT PRESENT

This written Decision is adopted on April 6, 2022

Barry W. Norris
Barry Norris
Chair Pro Tem

APPEAL RIGHTS

Pursuant to the provisions of 5 M.R.S. §§ 11001-11003, any party that appeals this Decision and Order must file a Petition for Review in the Maine Superior Court within 30 days of receipt of this Order. The petition shall specify the person seeking review, the manner in which they are aggrieved and the final agency action which they wish reviewed. It shall also contain a concise statement as to the nature of the action or inaction to be reviewed, the grounds upon which relief is sought and a demand for relief. Copies of the Petition for Review shall be served by Certified Mail, Return Receipt Requested upon the MAINE STATE HARNESS RACING COMMISSION, all parties to the agency proceedings and the Attorney General.