

**MAINE STATE HARNESS RACING COMMISSION
DECISION AND ORDER
IN RE: VALERIE GRONDIN AND DREW CAMPBELL**

PROCEDURAL HISTORY

The matters pertain to a horse race that occurred on June 19, 2021. Appellant Grondin was the trainer of the horse. Appellant Campbell was the driver of the horse.

As a result of a June 22, 2021 decision rendered by judges at the track, the horse was placed from First place to Sixth place. In addition to the placement of the horse, which caused loss of purse share by both Appellants, Appellant Campbell was fined and suspended.

Appellant Campbell filed an appeal on June 22, 2021. A day later, on June 23, 2021, Appellant Grondin likewise filed an appeal based on an unwritten opinion of the presiding judge that Mr. Campbell lacked standing to seek reversal of the placements.

A hearing before the Commission was held on October 12, 2021. During preliminary proceedings, before evidence was taken, the presiding judge raised an objection claiming that the Commission did not have jurisdiction over the appeal since Ms. Grondin had filed her appeal on June 23, 2021, which was four days after the race. The presiding judge contended that Commission Rule, Chapter 19 Section 3 (1) required the appeal to be filed within three days. The Department presented testimony that it had allowed Appellant Grondin an additional day to file the appeal given logistical limitations. The Commissioners voted to grant the motion and the hearing was terminated thus the appeal failed.

Appellant Grondin filed a motion for reconsideration first on October 15, 2021, and then supplemented the motion on October 21, 2021. The basis for the motion was that the Commission had incorrectly applied the three-day rule from the date of the race as opposed to the date of the hearing.

The Department also filed a motion for reconsideration on October 21, 2021. In its motion the Department argues the following errors of law: 1) The Commission erred when it relied on the assertion that there is a 72 hour period following a decision to file an appeal, 2) The Commission erred when it relied on

the assertion that the three-day appeal period could only begin on June 19, 3) The Commission erred when it penalized the licensee for an alleged procedural error committed by the State. In addition, the Department asserts that reconsideration should be granted based on new or additional evidence, specifically around certain facts pertaining to the Campbell hearing.

The motions for reconsideration filed by the Department and Appellant Grondin were heard on October 28, 2021. The Commission voted to grant the reconsideration for Grondin. The Commission did not reach agreement on the question of whether a driver has standing to challenge the placing of a horse during an appeal of a race where their horse was placed. After a very lengthy proceeding on the question, the Commissioners elected to instead move directly forward on both the appeals. In the absence of this predicate ruling, parties Ms. Grondin, Mr. Campbell, and Mr. Jennings agreed that the two appeals would be consolidated in one hearing. The hearing was held on January 25, 2022.

FINDINGS OF FACT

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. Pembroke Ali raced in the third race at First Track Cumberland on June 19, 2021,**
- 2. The judges at the track reviewed the race and concluded that Pembroke Ali had interfered with other horses. As a result of their finding, Pembroke Ali was placed,**
- 3. A review of the race video indicates that the violation as found by the judges did occur.**

Based on these Findings of Fact, the Commission concludes that the Department has proven, by a preponderance of the evidence, that a violation did occur.

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

| | |
|-----------------------------|--------------------|
| 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.