Call the Meeting to Order and Introductions: Barbara Dresser, Chair.

9:00 AM Prehearing Conference- Mandatory for all adjudicatory hearing parties. AAG, Guay as hearing officer had the Commission leave the room to discuss how to conduct the cobalt cases. A conference call was held with William Childs and Craig Rancourt because Mr. Childs had to be in court for January 27, 2016 and will not be able to attend the hearing. He asked for a continuance. AAG, Guay asked questions to Mr. Childs and Mr. Rancourt. After a brief discussion, Mr. Childs stated that they would waive the 15 day notice for January 22, 2016. AAG, Guay stated that January 27, 2016 will not happen and on January 22, 2016 they will schedule a new hearing date.

Review and Approval of Written Decisions and Orders
Commissioner Reed made a motion to approve the written decision and order 2015 MSHRC 064 in the matter of Marc Tardif as presented. Commissioner McFarland seconded. Vote 3-0. Commissioner McFarland made a motion to approve the written decision and order 2015 MSHRC 073 and 076 in the matter of Aaron Hall as written. Commissioner Reed seconded. Vote 3-0. Commissioner McFarland made a motion to approve the written decision and order 2015 MSHRC 092 and 094 in the matter of Aaron Hall as written. Commissioner Reed seconded. Vote 3-0. Commissioner McFarland made a motion to approve the written decision and order 2015 MSHRC 078 in the matter of Timothy Nehila as written. Commissioner Reed seconded. Vote 3-0.

Adjudicatory Hearings:

RE: Robert Gray, Complaint Number 2015 MSHRC 075. Mr. Gray is alleged to have violated MSHRC Rules Chapter 7 and 11. Mr. Gray is the trainer of record for the horse “Nifty Ace”. A blood sample obtained from Nifty Ace following the Seventh Race at Windsor Fair on September 2, 2015 disclosed the presence of Flunixin. This case was continued to the next meeting.

RE: Joseph Burke, Complaint Number 2015 MSHRC 084. Mr. Burke is alleged to have violated MSHRC Rules Chapter 7 and 11. Mr. Burke is the trainer of record for the horse “Navarro Seelster”. A blood sample obtained from Navarro Seelster following the Sixth Race at Scarborough Downs on October 18, 2015 disclosed the presence of Methocarbamol. (See letter “G”).
c. **RE: Joseph Burke, Complaint Number 2015 MSHRC 085.** Mr. Burke is alleged to have violated MSHRC Rules Chapter 7 and 11. Mr. Burke is the trainer of record for the horse “Navarro Seelster”. A blood sample obtained from Navarro Seelster following the Eighth Race at Scarborough Downs on October 22, 2015 disclosed the presence of Methocarbamol. (See letter “G”).

d. **RE: Joseph Burke, Complaint Number 2015 MSHRC 086.** Mr. Burke is alleged to have violated MSHRC Rules Chapter 7 and 11. Mr. Burke is the trainer of record for the horse “Fritzie Rocket”. A blood sample obtained from Fritzie Rocket following the Fifth Race at the Scarborough Downs on October 22, 2015 disclosed the presence of Methocarbamol. (See letter “G”).

e. **RE: Valerie Grondin, Complaint Number 2015 MSHRC 087.** Ms. Grondin is alleged to have violated MSHRC Rules Chapter 7 and 11. Ms. Grondin is the trainer of record for the horse “Pembroke Jack B”. A blood sample obtained from Pembroke Jack B following the First (Non-Betting) Race at the Fryeburg Fair on October 8, 2015 disclosed the presence of Methocarbamol. This case was continued to the next meeting.

f. **RE: Adam Gray, Complaint Number 2015 MSHRC 090.** Mr. Gray is alleged to have violated MSHRC Rules Chapter 7 and 11. Mr. Gray is the trainer of record for the horse “Tawnette”. A blood sample obtained from Tawnette following the Ninth Race at Scarborough Downs on November 7, 2015 disclosed the presence of Methocarbamol. Adam Gray was present and representing himself. AAG, Guay qualified the Commissioners. Commission members responded with a “no” for both questions. Mr. Jennings presented the following exhibits: Exhibit 1, Notice of Hearing; Exhibit 2, Trainer Application; Exhibit 3, Race Program; Exhibit 4, Notice of Positive Test; Exhibit 5, MSHRC Sample Tag; Exhibit 6, Sample Shipment Sheet; and Exhibit 7, Certificate of Analysis. AAG, Guay admitted these seven exhibits without objection from Mr. Gray. Mr. Gray stipulated to being the trainer of record of the horse “Tawnette” and that the horse finished 2nd in the ninth race on 11/7/15 at Scarborough Downs; and that the horse had methocarbamol in its system. AAG, Guay stated to Mr. Gray that he could give his statement. Mr. Gray stated that he was trying to do what his vet told him to do to treat the horse for tying up. AAG, Guay asked Mr. Jennings if he has any recommendations. Mr. Jennings stated that the state recommends a $500 fine with all but $50 suspended and the return of the purse. AAG, Guay closed the hearing. Commissioner Dresser asked for a motion or discussion. Commissioner McFarland made a motion to accept what the state proposed with the respect to the penalty of this violation which is a $500 fine with all but $50 suspended and the return of the purse. Commissioner Reed seconded. Vote 3-0.

g. **RE: Joseph Burke, Complaint Number 2015 MSHRC 091.** Mr. Burke is alleged to have violated MSHRC Rules Chapter 7 and 11. Mr. Burke is the trainer of record for the horse “Maras World”. A blood sample obtained from Maras World following the Seventh Race at Bangor Raceway on November 6, 2015 disclosed the presence of Methocarbamol. Mr. Burke was present and representing himself. AAG, Guay stated that 2015 MSHRC 084, 085, 086 and 091 would be combined into one hearing. Mr. Jennings stated that Mr. Burke did not receive a letter before all test had come back. Mr. Burke stated that there was 38 days between test and notification. Commissioners had no questions. AAG, Guay stated that a vote was needed on these cases being combined. All three
Commissioners agreed to continue the four complaints as one hearing. Vote 3-0. After a brief discussion, Ms. Wells stated that the state recognizes that the fourth violation occurred before he received the letter. Therefore, it does not seem fair to charge him with four violations such as money, penalties and such. Chapter 17 deals differently with the loss of purse and therefore the purse should be lost each time. AAG, Guay stated that there is a request for reconsideration to the Commissioners on the motion to consolidate the cases under one docket.

Commissioner Dresser stated that there is a motion to reverse what they voted on earlier. All three Commissioners voted yes and recorded as a 3-0 vote. AAG, Guay asked Mr. Burke if he stipulated to being the trainer of record on all four violations, and that the horse Navarro Seelster raced at Scarborough Downs on October 18 and 22, 2015; the horse Fritzie Rocket raced at Scarborough Downs on October 22, 2015 and the horse Maras World raced at Scarborough Downs on November 6, 2015. Mr. Burke agreed to all the stipulations stated above. AAG, Guay asked Mr. Burke if he admits to violating the trainer responsibility rule on October 18, 2015. Mr. Burke did not admit to the violation and he also did not admit to the other three violations. AAG, Guay stated that Mr. Burke did not admit to the violation that they would continue with the hearing.

Mr. Jennings presented exhibits 1-7 for all four cases as: Exhibit 1, Notice of Hearing; Exhibit 2, Trainer License Application; Exhibit 3, Race Program; Exhibit 4, Notice of Positive Test; Exhibit 5, HRC Sample Tag; Exhibit 6, Sample Shipment Sheet and Exhibit 7, Certificate of Analyst. AAG, Guay admitted these into evidence without objection from Mr. Burke. He also asked Mr. Jennings and Mr. Burke if either of them objected to the proceeding up to this point. Mr. Burke objects to the motion to consolidate and also the motion for reconsideration of the consolidation. AAG, Guay gave the oath to Mr. Jennings. Mr. Jennings testified. AAG, Guay gave the oath to Mr. Burke. Mr. Burke presented Licensee Exhibit 1, Article in the Daily Racing Form dated 7/22/14; Licensee Exhibit 2, Page 3 of 7 from Kentucky Horse Racing Commission Thoroughbred withdrawal guidelines dated 12/13 and Licensee Exhibit 3, Medication withdrawal times by the Indiana Horse Racing Commission. AAG, Guay admitted these three exhibits without objection. Mr. Burke testified. AAG, Guay gave the oath to Mr. Matzkin and Mr. Greenleaf. Mr. Matzkin and Mr. Greenleaf both testified. AAG, Guay closed the hearing. Commissioner Dresser asked for a motion or discussion.

Commissioner McFarland made a motion to a finding of a violation to 2015 MSHRC 084. Commissioner Reed seconded. Vote 3-0. Commissioner McFarland made a motion to a finding of a violation to 2015 MSHRC 085. Commissioner Reed seconded. Vote 3-0. Commissioner McFarland made a motion to a finding of a violation to 2015 MSHRC 086. Commissioner Reed seconded. Vote 3-0. Commissioner McFarland made a motion to a finding of a violation to 2015 MSHRC 091. Commissioner Reed seconded. Vote 3-0. AAG, Guay asked Mr. Jennings if he had a recommendation on the penalty phase. Mr. Jennings stated that this is Mr. Burke’s first violation and the state recommends a $500 fine with all but $200 and the return of the purse for the first complaint. AAG, Guay stated to Mr. Burke that he could make a statement. Mr. Burke stated that if he had known earlier about the violation this would have been one violation, and not four. He also stated that his cases should be treated as one. AAG, Guay closed the hearing on the penalty phase. Commissioner Dresser asked for a motion or discussion. After some discussion, AAG, Guay stated that either the state or Mr. Burke needs to make the motion to reconsider. Mr. Burke made a motion to reconsider the Commission’s earlier motion. Commissioner Dresser stated that there is a motion to reconsider their previous vote which was a
finding of four violations for matters 084, 085, 086 and 091. Commissioner Dresser made a motion to reconsider their motion for a finding of four violations. Commissioner Reed seconded. Vote 2-1 (Commissioner McFarland opposed).

Commissioner Reed made a motion with a finding of a violation under the trainer responsibility rule Chapter 11, Section 8 that the commission have the four matters combined as a finding of one violation for the four instances. Commissioner McFarland seconded. Vote 2-1 (Commissioner McFarland opposed).

Commissioner McFarland made a motion to accept the states recommendation of a $500 fine with all but $200 suspended for the trainer. Commissioner Reed seconded. Vote 3-0.

Commissioner Reed made a motion for the return of the purse for each of the 4 instances for the owner. Commissioner McFarland seconded. Vote 3-0.

RE: Lisa Saindon, Complaint Number 2015 MSHRC 093. Ms. Saindon is alleged to have violated MSHRC Rules Chapter 7 and 11. Ms. Saindon is the trainer of record for the horse “Keystone Stately”. A blood sample obtained from Keystone Stately following the Third Race at Scarborough Downs on October 29, 2015 disclosed the presence of Methocarbamol. Ms. Saindon was present and representing herself. Lisa Saindon was present and representing herself. AAG, Guay qualified the Commissioners. Commissioners replied with a “no” for both questions. Mr. Jennings presented the following exhibits: Exhibit 1, Notice of Hearing; Exhibit 2, Licensee Application; Exhibit 3, Race Program; Exhibit 4, Notice of Positive Test; Exhibit 5, MSHRC Sample Tag; Exhibit 6, Sample Shipment Sheet and Exhibit 7, Certificate of Analysis. AAG, Guay admitted the seven exhibits without objection from Ms. Saindon. Ms. Saindon stipulates to being the trainer of record of the horse “Keystone Stately” on October 29, 2015; and that Keystone Stately finished 1st in the third race at Scarborough Downs on October 29, 2015; and that the horse had an excessive level of methocarbamol in its system; and admits to the trainer responsibility rule. AAG, Guay asked Ms. Saindon to give her statement of what happened to the Commission. Ms. Saindon stated that the horse was dehydrated and tied up, so she asked her vet what to give her horse. AAG, Guay asked Mr. Jennings if he had a recommendation. Mr. Jennings stated that the state recommends a $500 fine with all but $50 suspended and return of the purse. AAG, Guay closed the hearing. Commissioner Dresser asked for a motion or discussion. Commissioner Reed made a motion to agree with the states recommendation for a $500 fine with all but $50 suspended and the return of the purse. Commissioner McFarland seconded. Vote 3-0.

4. **Other Business**
Commissioner McFarland made a motion to accept the minutes of May 22, 2015 as written. Commissioner Reed seconded. Vote 3-0.
Commissioner McFarland made a motion to accept the minutes of December 21, 2015 as written. Commissioner Reed seconded. Vote 3-0.

5. **Public Comment**
Commissioner Dresser asked for public comment. Dick Shires addressed the commission regarding the positive test at Windsor Fair. He doesn’t understand why they are still
racing at other venues and they ask for a postponement. AAG, Guay stated that the 
hearing officer makes the decision on the postponement. He stated that it is not 
automatic. The licensee makes the request for a continuance and depending on the nature 
of the violation he will make the decision.
Peg Tardif addressed the commission regarding the rules. She stated that the commission 
needs to enforce the rules they have in front of them.
William Phipps also stated that the commission needs to be consistent with their rules.
He is concerned about the drugs.
Diann Perkins stated that she was glad that they had the meeting on December 21, 2015 
regarding the Sire Stakes.

6. Executive Director’s Report
Commissioner Dresser asked for Mr. Jennings report. Mr. Jennings stated that the 
Program Evaluation Report has been sent to print.
He also stated that staff will be reviewing the purse account statements for each of the 
entities.
Mr. Jennings is reviewing the contracts for human testing. Commissioner McFarland 
asked about the swab testing. Mr. Jennings stated that he is making sure that there is 
enough test equipment for the lab to detect these drugs. Commissioner McFarland stated 
that his concern is for all the drivers out there driving and if we have drivers that are 
going to test positive it puts the other drivers at risk. We need to purify the drivers.
Commissioner Dresser stated that she did not remember seeing two medications listed on 
the positive. Mr. Jennings stated that these drivers have an authorization form for the 
medication.

7. Future Meeting Dates

8. Adjourn
2:47 p.m.