



**Alcohol and Gaming Commission of Ontario**  
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Ruling Number SB 11101/20

WESTERN FAIR

LONDON, ONTARIO MAY 14, 2020

**IN THE MATTER OF THE HORSE RACING LICENCE ACT, 2015,  
S.O. 2015, c.38, Sched. 9;  
AND IN THE MATTER OF LINDSAY KERR**

TAKE NOTICE that The Judges having been in receipt of a certificate of positive analysis and having conducted an Electronic Review have determined that Trainer LINDSAY KERR ( Y000110) is hereby in violation of rules of racing.

The certificate of positive analysis was issued as Tag # 4920069011 for the Horse "Sports Jacket" owned by Sally Charlton and trained by Lindsay Kerr. The drug was MethoPrenisolone a Class 4 level. The horse raced in the 9<sup>th</sup> race at Western Fair in Race 9 on March 09, 2020. Due to the Covid 19 restrictions the tag number and trainer/horse identification was verified by electronic submission from Racing Forensics.

Ms. Kerr was informed of the positive test by phone on March 23 and disclosure of the certificate of positive analysis and email confirmation were forwarded to her.

A review was held with Ms. Kerr on Thursday May 14 by way of the internet using the Teams Meeting format. Present were Lindsay Kerr, Senior Race Official Neil McCoag, Associate Race Official Emma Pote and Associate Race Official Fred Brethour. The right to representation was discussed as well as a discussion on how the off ramp worked in regard to positive tests.

Ms. Kerr took full responsibility. Her testimony was that the horse had been treated by her Vet. Dr. Bernie Ferguson for routine joint maintenance. She was aware of the date, time of day and dosage. She followed up with her veterinarian who felt that an error in either dosage or timing may have contributed to the positive.

The Judges took into consideration the facts as presented to them as well as Ms. Kerr's co-operation. The Judges also took into consideration the effects that the Covid 19 has incurred on the racing industry by way of racing stoppage. Therefore their decision is that there will be a penalty of \$500 and a 5 day suspension (Time served). Purse monies to be returned.

AGCO rules, 26.02.01, 26.02.02, 26.01.03 (c), 26.03, 26.08, 6.14, 6.15 and 9.13

By Order of the Judges \_\_\_\_\_

N. MCCOAG

E.POTE

F.BRETHOUR



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Racing  
Commission

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COMMISSION HEARING

TORONTO, ONTARIO – March 12, 2002

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By Order of the Stewards \_\_\_\_\_

R. Grubb

R. Fernandes

N. Ham