

Horse Racing Appeal Panel

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**HORSE RACING APPEAL PANEL**

TORONTO, ONTARIO – NOVEMBER 9, 2020
TB HRAP 06025 2020

NOTICE OF DECISION

**IN THE MATTER OF THE HORSE RACING LICENCE ACT, S.O. 2015 C. 38 Sched. 9;
AND IN THE MATTER OF A REQUEST FOR A STAY BY ANTHONY POTTINGER
OF THOROUGHBRED RULING NUMBERS 1094086 AND 1094055**

Date of Issue:	November 9, 2020
Horse Racing Appeal Panel (Panel):	Stanley Sadinsky, Q.C., Chair
Representative for the Appellant:	Frank Roth
Decision:	The Panel grants the stay, on consent.

WHEREAS Anthony Pottinger (“POTTINGER”) is licensed with the Alcohol and Gaming Commission of Ontario (“Commission”) as a Trainer;

AND WHEREAS on September 5, 2020, POTTINGER was the trainer of record for the horse “Money Matters”, tattoo number U17128;

AND WHEREAS on October 22, 2020, Commission Racing Officials issued Thoroughbred Ruling Number 1094141, wherein “Money Matters”, which finished 1st, was disqualified as a result of a Certificate of Positive Analysis for the Class II drug Capsaicin from a test following the 4th race at Woodbine Racetrack on September 5, 2020, in accordance with Rules 15.06.01(a), 15.06.01(b) and 15.06.03(c) of the Rules of Thoroughbred Racing (“Rules”);

AND WHEREAS Thoroughbred Ruling Number 1094141 also directs that POTTINGER will not be issued a suspension or monetary penalty pursuant to Rules 15.04.02.2, 15.05.01 and 24.01 of the Rules, and Policy Directive No. 1-2018;

AND WHEREAS Thoroughbred Ruling Number 1094141 further directs that “Money Matters” be declared unplaced for all purposes, with the exception of Pari-Mutuel Wagering, and all purse money and driver/trainer fees be returned and redistributed, in accordance with Rule 15.04.03 of the Rules and Policy Directive No. 1-2018;

AND WHEREAS on September 4, 2020, POTTINGER was the trainer of record for the horse “Down with Brown”, tattoo number U23022;

AND WHEREAS on October 22, 2020, Commission Racing Officials issued Thoroughbred Ruling Number 1094055, wherein “Down with Brown”, which finished 1st, was disqualified as a result of a Certificate of Positive Analysis for the Class II drug Capsaicin from a test following the 2nd race at Woodbine Racetrack on September 4, 2020, in accordance with Rules 15.06.01(a), 15.06.01(b) and 15.06.03(c) of the Rules;

AND WHEREAS Thoroughbred Ruling Number 1094055 also directs that POTTINGER will not be issued a suspension or monetary penalty pursuant to Rules 15.04.02.2, 15.05.01 and 24.01 of the Rules, and Policy Directive No. 1-2018;

AND WHEREAS Thoroughbred Ruling Number 1094055 further directs that "Down with Brown" be declared unplaced for all purposes, with the exception of Pari-Mutuel Wagering, and all purse money and driver/trainer fees be returned and redistributed, in accordance with Rule 15.04.03 of the Rules and Policy Directive No. 1-2018;

AND WHEREAS on November 2, 2020, POTTINGER filed a Notice of Appeal and a Notice of Motion requesting a stay with the Panel;

AND WHEREAS on November 6, 2020, the Registrar consented to the stay being granted;

TAKE NOTICE that the Panel grants the stay, on consent.

DATED on this 9th day of November, 2020.

A handwritten signature in cursive script, reading "Stanley Sadinsky", is written over a horizontal line.

Stanley Sadinsky, Q.C., Chair
Horse Racing Appeal Panel