

MAINE HARNESS RACING COMMISSION  
MINUTES OF MEETING  
November 18, 2010  
Conference Room, Gambling Control Board  
Department of Public Safety Office  
45 Commerce Drive, Augusta, Maine

Commission Members Present: Chairman George McHale, James Tracy, Stanley Kuklinski, Barbara Dresser and S. Todd Bradley.

Staff Members Present: John H. Richards, AAG, Henry Jackson, Peter Barengo, Ralph Canney and Carol Gauthier.

Commission Chair, George McHale, called the meeting to order at 12:40 p.m.

Commissioner Tracy made a motion to approve the following minutes as written. May 13, 2010; June 16, 2010; July 16, 2010; August 25, 2010 and September 21, 2010. Commissioner Kuklinski seconded. Vote 5-0.

ADJUDICATORY HEARINGS:

1. **Louis Gasbarro, III** has agreed to enter a Consent Agreement with the Commission for a violation of Chapter 11 Section 3, Elevated Blood Gas. After a brief discussion, Commissioner Tracy made a motion to approve the Consent Agreement as submitted. Commissioner Bradley seconded. Vote 5-0.
2. **Gordon DuBois** has agreed to enter a Consent Agreement with the Commission for a violation of Chapter 11 Section 3, Elevated Blood Gas. After a brief discussion, Commissioner Kuklinski made a motion to approve the Consent Agreement as presented. Commissioner Tracy seconded. Vote 5-0.
3. **John Nason** has agreed to enter into a Consent Agreement with the Commission for a violation of Chapter 11 Section 2, Controlled Medication. After a brief discussion, Commissioner Kuklinski made a motion to approve the Consent Agreement as presented. Commissioner Tracy seconded. Vote 5-0.
4. **Philip (Bo) Sowers, Jr.** has agreed to enter a Consent Agreement with the Commission for a violation of Chapter 11 Section 3, Elevated Blood Gas. After a brief discussion, Commissioner Tracy made a motion to approve the Consent Agreement as presented. Commissioner Bradley seconded. Vote 5-0.
5. **Bernard Charlton** has agreed to enter a Consent Agreement with the Commission for a violation of Chapter 11 Section 3, Elevated Blood Gas. After a brief discussion, Commissioner Tracy made a motion to approve the Consent Agreement as proposed. Commissioner Kuklinski seconded. Vote 5-0.
6. **Timothy Hudson** has agreed to enter a Consent Agreement with the Commission for a violation of Chapter 11 Section 1, Prohibited Substance. After a brief discussion, Commissioner Tracy made a motion to approve the Consent Agreement as signed. Commissioner Kuklinski seconded. Vote 5-0.
7. **Megan Quinn** is alleged to have Violated MSHRC Rule Chapter 11 Section 1, Prohibited Substance. Ms. Quinn in the trainer of record of "Angel Left Behind". A urine sample obtained from "Angel Left Behind" following the Fifth Race at Topsham Fair on August 11, 2010 was found to contain Flunixin, a Class Four Drug. Mr. Jackson asked the Commission if they would continue this item to the December 9<sup>th</sup> meeting. Ms. Quinn has agreed to enter

into a consent agreement which has been mailed to her so that the consent agreement can be presented with her signature at the next Commission meeting. Commissioner Tracy made a motion to continue this item to the December 9<sup>th</sup> meeting. Commissioner Bradley seconded. Vote 5-0.

**Robert and Patricia Lupo** are the owners of record of “Angel Left Behind”. “Angel Left Behind finished Second in the Fifth Race at Topsham Fair on August 11, 2010. Robert and Patricia Lupo were paid \$2,197.00 for “Angel Left Behind” finishing Second in the Fifth Race At Topsham Fair on August 11, 2010. Mr. Jackson asked the Commission if they would continue this item also to the December 9<sup>th</sup> meeting.

8. **Richard Phaneuf** is alleged to have violated MSHRC Rule Chapter 11 Section 3, Elevated Blood Gas. Mr. Phaneuf is the trainer of record of “Romi Mystic”. A blood sample obtained from “Romi Mystic” prior to the Seventh Race at Scarborough Downs on September 5, 2010 exceeded the blood gas levels in Chapter 11 Section 3. Mr. Jackson stated that Mr. Phaneuf has agreed to a consent agreement and one has been forwarded to him for his signature. Mr. Jackson asked the Commission to continue this item, as well as Mr. Hall to the December 9<sup>th</sup> meeting. Commissioner Tracy made a motion that this item be continued to the December 9<sup>th</sup> meeting. Commissioner Kuklinski seconded. Vote 5-0.

**Edward Hall** is the owner of record of “Romi Mystic”. “Romi Mystic” finished Third in the Seventh Race at Scarborough Downs on September 5, 2010. Edward Hall was paid \$540.00 for “Romi Mystic” finishing Third in the Seventh Race at Scarborough Downs on September 5, 2010.

9. **Michael Hitchcock** is alleged to have violated MSHRC Rule Chapter 11 Section 3, Elevated Blood Gas. Mr. Hitchcock is the trainer of record of “Fireball Fred”. A blood sample obtained from “Fireball Fred” prior to the Ninth Race at Bangor Raceway on September 10, 2010 exceeded the blood gas levels in Chapter 11 Section 3. Mr. Jackson asked the Commission if this item could be continued to the December 9<sup>th</sup> meeting for Mr. Hitchcock knew that he would not be able to attend the hearing. He has agreed to enter into a consent agreement also. Commissioner Kuklinski made a motion to continue this item to the December 9<sup>th</sup> meeting. Commissioner Tracy seconded. Vote 5-0.

**Kermit Allen** is the owner of record of “Fireball Fred”. “Fireball Fred” finished Second in the Ninth Race at Bangor Raceway on September 10, 2010. Kermit Allen was paid \$575.00 for “Fireball Fred” finishing Second in the Ninth Race at Bangor Raceway on September 10, 2010.

10. **Shawn Nye** is alleged to have violated MSHRC Rule Chapter 11 Section 3, Elevated Blood Gas. Mr. Nye is the trainer of record of “Take The Risk”. A blood sample obtained from “Take The Risk” prior to the Ninth Race at Cumberland Fair on October 2, 2010 exceeded the blood gas levels in Chapter 11 Section 3. After a brief discussion, Commissioner Tracy made a motion to approve the consent agreement as presented as long as both purses have been returned. Commissioner Bradley seconded. Vote 5-0.

**Gardner Paterson** is the owner of record of “Take The Risk”. “Take The Risk” finished Fifth in the Ninth Race at Cumberland Fair on October 2, 2010. Gardner Patterson was paid \$500.00 for “Take The Risk” finishing Fifth in the Ninth Race at Cumberland Fair on October 2, 2010.

**Shawn Nye** is alleged to have violated MSHRC Rule Chapter 11 Section 3, Elevated Blood Gas. Mr. Nye is the trainer of record of “Shagon Again”. A blood sample obtained from “Shagon Again” prior to the Fourth Race at Bangor Raceway on October 18, 2010 exceeded the blood gas levels in Chapter 11 Section 3.

**Ben Bill & Will Stable** is the owner of record of “Shagon Again”. “Shagon Again” finished First in the Fourth Race at Bangor Raceway on October 18, 2010. Ben Bill & Will Stable

was paid \$1,150.00 for “Shagon Again” finishing First in the Fourth Race at Bangor Raceway on October 18, 2010

11. **Shawn Thayer** is alleged to have violated MSHRC Rule Chapter 11 Section 3, Elevated Blood Gas. Mr. Thayer is the trainer of record of “La Vita Buona”. A blood sample obtained from “La Vita Buona” prior to the Ninth Race at Farmington Fair on September 20, 2010 exceeded the blood gas levels in Chapter 11 Section 3. Mr. Jackson stated that Mr. Thayer has two positive tests. Commissioner Tracy made a motion to approve the consent agreement for Shawn Thayer as presented. Commissioner Kuklinski seconded. Vote 5-0. **Shawn Thayer** is alleged to have violated MSHRC Rule Chapter 11 Section 3, Elevated Blood Gas. Mr. Thayer is the trainer of record of “Casino King”. A blood sample obtained from “Casino King” prior to the Ninth Race at Farmington Fair on September 25, 2010 exceeded the blood gas levels in Chapter 11 Section 3. **Danny G. King** is the owner of record of “La Vita Buona and Casino King”. “La Vita Buona” finished Second in the Ninth Race at Farmington Fair on September 20, 2010. Danny G. King was paid \$700.00 for “La Vita Buona” finishing Second in the Ninth Race at Farmington on September 20, 2010. “Casino King” finished Fifth in the Ninth Race at Farmington Fair on September 25, 2010. Danny G. King was paid \$375.00 for Casino King finishing Fifth in the Ninth Race at Farmington Fair on September 25, 2010.
12. **Brock McEachern** is alleged to have violated MSHRC Rule Chapter 11 Section 3, Elevated Blood Gas. Mr. McEachern is the trainer of record of “Bio Link”. A blood sample obtained from “Bio Link” prior to the Fourth Race at Bangor Raceway on October 18, 2010 exceeded the blood gas levels in Chapter 11 Section 3. Mr. Jackson asked the Commission to continue this item to the December 9<sup>th</sup> meeting. Mr. Jackson said that Mr. McEachern is home sick and has been offered a consent agreement like the ones above. Commissioner Tracy made a motion to continue this item to the December 9<sup>th</sup> meeting. Commissioner Bradley seconded. Vote 5-0. **Richard Allaby** is the owner of record of “Bio Link”. “Bio Link” finished Second in the Fourth Race at Bangor Raceway on October 18, 2010. Richard Allaby was paid \$575.00 for “Bio Link” finishing Second in the Fourth Race at Bangor Raceway on October 18, 2010.

#### UNFINISHED BUSINESS:

1. Henry Jackson asked if there was a resolution regarding the proposed 2011 Sire Stakes Schedule. Diann Perkins addressed the Commission saying that no one from Scarborough Downs or Oxford Fair had contacted the Advisory Committee so the schedule remains as is. Commissioner Tracy made a motion to approve the proposed 2011 Sire Stakes Schedule as presented. Commissioner Bradley seconded. Vote 5-0.

#### REPORTS:

1. None

#### NEW BUSINESS:

1. None.

#### OTHER BUSINESS:

1. Mr. Jackson asked the Commission to put on the December 9<sup>th</sup> agenda the Capital Improvements submitted by Bangor Historic Track, Inc. Scarborough Downs has yet to submit their Capital Improvements. He also stated that we should have the Off Track Betting Decision and Live Racing Decision for the Commission to take action on.

Mr. Childs asked the Commission if he could be recognized. After a short intermission, Jack Richards addressed the Commission relating to Mr. Childs who represents Douglas Gray and Edward Fournier for a hearing of a TCO2 positive. Mr. Richards is the hearing officer in this case and does not feel that Mr. Childs should present his argument for a discovery request in that case at this time. Commission members agreed with the advice of Mr. Richards. Commissioner McHale said that the Commission would not recognize Mr. Childs at this time.

Commissioner Tracy made a motion to adjourn. Commissioner Bradley seconded. Vote 5-0.

The meeting adjourned at 1:25 p.m.

The Commission did not go into Executive Session.

Respectfully submitted by:

Henry W. Jackson  
Executive Director