

Effective Date: 5/21/24

MAINE STATE HARNESS RACING COMMISSION

In re: Russell Lanpher III
Case No. 2023-07

CONSENT AGREEMENT

INTRODUCTION

This document is a Consent Agreement regarding Russell Lanpher III's license to train horses in the state of Maine. The parties to this Consent Agreement are: Russell Lanpher III ("Mr. Lanpher"), the Maine State Harness Racing Commission ("Commission"), and the Maine Office of the Attorney General (the "Attorney General"). This Consent Agreement is entered into pursuant to 8 M.R.S. § 279-B(3).

FACTS

1. On January 1, 1998 the Commission first licensed Mr. Lanpher as a Trainer, license number 11571.
2. Mr. Lanpher was the Trainer of record for the horse Oh David from June 28, 2023 to July 19, 2023.
3. On July 18, 2023, the Commission was notified that Oh David died on the grounds of the Bangor Raceway that morning. Commission Staff investigated the circumstances surrounding Oh David's death and docketed the matter as Case No. 2023-07.

4. On July 18, 2023, Mr. Lanpher left Oh David in Samantha Blystone's care while he was out of state. The Commission has never licensed Ms. Blystone in any capacity. While in Ms. Blystone's care, Oh David died in his stall.
5. Presiding Judge Ralph Canney conducted witness interviews of persons who had knowledge of Oh David's death. Some witnesses reported that Ms. Blystone stated that she gave Oh David medication, which she mistakenly injected into an artery. Other witnesses stated that on the morning of his death, they saw Oh David "jugged"¹ and that they observed "jugging" materials such as rubber tourniquet straps and needles on or near Oh David before and/or after he died.
6. Commission Staff presented investigative information to the Commission at the August 22 and September 20, 2023, meetings. On September 20, 2023, the Commission voted to set this matter for hearing.
7. At its November 21, 2023, meeting, the Commission reconsidered this matter and voted to offer a consent agreement and set the matter for hearing if the consent agreement is rejected.
8. Absent acceptance of this Consent Agreement by signing, dating, and returning it to Shane Bacon, Executive Director, Maine State Harness Racing Commission, 28 State House Station, Augusta, Maine 04333-0028 by May 8, 2024, the Commission will schedule an adjudicatory hearing.

¹ Jugging refers to the administration of any substance via intravenous infusion or injection.

COVENANTS

9. Mr. Lanpher admits to the Facts above and admits such conduct constitutes grounds for imposing discipline against his license as follows:
 - a. Pursuant to 8 M.R.S. § 279-A and Commission Rules Chapter 11 § 1(3)(A),(E) (1), and (F) for failing to ensure the safe condition of Oh David when he left the horse in Ms. Blystone's care; and
 - b. Pursuant to 8 M.R.S. § 279-A and Commission Rules Chapter 7 § 46(1) for failing to ensure the safe condition of Oh David when he left the horse in Ms. Blystone's care.
10. As discipline for the violations above, Mr. Lanpher agrees to the following:
 - a. a \$500.00 fine to be paid within 14 days of the effective date of this agreement; and
 - b. a 30-day license suspension to begin 14 days after the effective date of this agreement.
11. The effective date of this Consent Agreement shall be the date on which the final signature is affixed to this Consent Agreement. Mr. Lanpher's violation of any term or condition of this Consent Agreement may be deemed by the Commission to be grounds for additional discipline, including without limitation the imposition of monetary penalties, license suspension, and/or license revocation. Nothing in this Consent Agreement precludes the Commission from adjudicating at any time any allegations other than those that are the subject of this matter.

12. The Commission and Mr. Lanpher agree that no further agency action will be initiated against Mr. Lanpher by the Commission based upon the specific violations admitted to herein, except or unless he fails to comply with the terms and conditions of this Consent Agreement. The Commission may however consider the conduct described above as evidence of a pattern of misconduct in the event that other allegations are brought against Mr. Lanpher, and this Consent Agreement may be introduced into evidence at any future adjudicatory hearing involving Mr. Lanpher. The Commission may also consider the fact that discipline was imposed by this Consent Agreement in determining that appropriate discipline in any further complaints against Mr. Lanpher.
13. This Consent Agreement is not appealable and is effective until amended or rescinded in writing by agreement of all the parties hereto. This Consent Agreement cannot be amended orally.
14. Requests for amendment of this Consent Agreement must be made in writing and submitted to the Commission. The Commission may deny such a request, grant such a request, or grant such a request in part. A Commission decision regarding a request to modify this Consent Agreement need not be made pursuant to a hearing and is not appealable to any court.
15. This Consent Agreement is a public record within the meaning of 1 M.R.S. § 402, and will be available for inspection and copying if requested by the public pursuant to 1 M.R.S. § 408-A.

16. Nothing in this Consent Agreement shall be construed to affect any right or interest of any person not a party hereto.
17. Terms of this Consent Agreement constitute the entire agreement between and among the parties.
18. If any provision of this Consent Agreement is for any reason determined to be invalid, the effectiveness and enforceability of all other provisions of the Consent Agreement shall not be affected by such determination.
19. Mr. Lanpher acknowledges by his signature hereto that he has read this Consent Agreement, that he has had an opportunity to consult with an attorney before signing this Consent Agreement, that he signed this Consent Agreement of his own free will and without undue influence of any kind from any person, and that he agrees to abide by all terms and conditions set forth herein.
20. This Consent Agreement may be signed in counterparts, with all counterparts together constituting one original instrument. Signatures below may be applied and/or saved electronically, and such electronic signatures will be given the same effect as a paper document signed in ink.

SIGNATURES

DATED: May 8, 2024



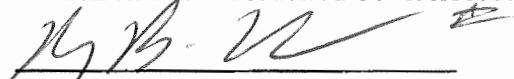
RUSSELL LANPHER, III
Licensee

[additional signatures on following page]

DATED:

8-21-2024

MAINE STATE HARNESS RACING COMMISSION

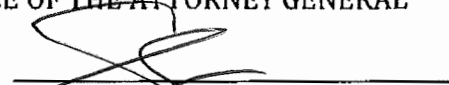


HARRY B. CENTER, II
Chairperson
Maine State Harness Racing Commission

DATED:

5/21/24

OFFICE OF THE ATTORNEY GENERAL



SAMANTHA Y. MORGAN
Assistant Attorney General