

**IN THE MATTER OF A COMPLAINT SUBMITTED UNDER  
EQUESTRIAN CANADA'S DISCIPLINE COMPLAINTS AND APPEALS POLICY**

**BETWEEN**

[REDACTED]

Complainant

and

**JEN PINKERTON and PETRA PINKERTON**

Respondents

**DECISION ON MERITS**

**Background**

1. The Complaint Manager issued the Jurisdiction Order in these proceedings on June 19, 2024.
2. The Jurisdiction Order, paragraph 14-15 sets out the Complainant's allegations against the Respondents.
3. I was appointed by the Complaint Manager as the adjudicator in this matter on July 18, 2024. Prior to this appointment, I confirmed that there were no conflicts of interest with any of the parties or any other individual or organization which could be impacted by the outcome of the Complaint.
4. A Procedural Order was issued on July 26, 2024 ("Procedural Order #1") ordering

the parties to attend a Preliminary Conference via conference call to address the evidence each party intended to rely upon and to assist me in my role in determining how this hearing should proceed.

5. The Preliminary Conference took place on September 6, 2024. The Preliminary Conference was delayed by the availability of the parties.

6. A second Procedural Order (“Procedural Order #2”) was issued on September 23, 2024. Procedural Order #2 addressed the next steps pursuant to the Discipline, Complaints, and Appeals Policy (the “Policy”). More specifically, Procedural Order #2 summarized the results of the Preliminary Conference, provided comments on the admissibility and relevance of evidence in response to concerns raised during the Preliminary Conference, and set out the format of the hearing process.

7. Procedural Order #2 set out timelines for the hearing, the order for the oral hearing, and a schedule for the exchange of written final submissions following the conclusion of the oral hearing.

8. During the Preliminary Conference, as well as via e-mail after issuing Procedural Order #2, the Respondents made requests for me to order further particulars from the Complainant as it relates to the nature and details of the allegations. In response, the Respondents were repeatedly assured that the schedule for the exchange of written testimony and documentary evidence in advance of the oral hearing, as well as the later schedule for exchange of written submissions, was aimed at ensuring that all elements of the Complainant’s allegations were made known to the Respondents prior to their requirement to submit responding materials. The Respondents were also assured that

the Complainant would be bound by the materials submitted and, if such materials were insufficient to base a finding of misconduct, this would be an argument open to the Respondents at the conclusion of the hearing.

9. After the Complainant filed [REDACTED] materials in compliance with the deadlines set out in Procedural Order #2, the Respondents commenced a court application on the issue of my failure to order particulars. This court application had the effect of staying the present proceeding.

10. Pursuant to an order of the British Columbia Supreme Court, dated May 8, 2025, the Respondents' court application was rejected, and this disciplinary proceeding was continued.

11. Procedural Order (#3) was then issued on May 8, 2025, setting out the timelines for the parties to exchange any additional written material, any witness statements, and an election as to whether any witnesses were required to attend for cross-examination. This schedule was as follows:

- (a) By May 22, 2025, the Respondents were required to provide any additional documentary evidence and/or witness statements they intended to rely upon (the Complainants had already done so in compliance with the initial deadline provided in Procedural Order #2). As set out in Procedural Order #2, all witness statements were to take place of an examination in chief; and
- (b) By May 29, 2025, all parties were to identify whether any witness was required to attend for cross-examination and also whether they had any questions for

any minor witness. Any questions for minor witnesses were to be forwarded to me by this date to ensure that all questions were appropriate and minor witnesses would be treated with the requisite level of delicacy.

12. The parties were also directed to provide their availability for a hearing date. A hearing date of June 17, 2025 was then selected.

13. After the deadlines set out in Procedural Order #3, inquiries were made by the Respondents with respect to sending in questions of the minor witnesses, having not previously indicated they wished to do so. Procedural Order #4 was issued by me on June 11, 2025 to confirm that the deadlines in respect of questioning witnesses had already passed and, as such, the hearing would be proceeding in the absence of oral evidence.

14. The hearing was held by Zoom on June 17, 2025 at which time all parties were provided with the opportunity to make oral submissions in respect of their position on the evidence and the allegations.

15. The parties were advised at the conclusion of the hearing that a decision would be forthcoming on the merits of the allegations, following which, if any allegations were substantiated, they would be invited to make submissions in respect of appropriate sanction.

### **Context and Nature of the Allegations**

16. The Complaint was filed by [REDACTED] on behalf of [REDACTED] and [REDACTED] minor [REDACTED] A and C. A and C both [REDACTED]



- (e) The Respondent P. Pinkerton struck the Complainant's horse in the face with her hand on the Pink Coat Equestrian property.
- (f) The Respondent P. Pinkerton struck her own horse multiple times with the handle end of her crop at the Thunderbird Show Park.
- (g) The Respondent J. Pinkerton physically attacked the Respondent P. Pinkerton which resulted in the Complainant's horse tripping while backing out of the trailer.
- (h) The Respondent J. Pinkerton failed to adequately address concerns that were raised by the Complainant about P. Pinkerton, instead suggested that the Complainant was bullying the Respondents, and failed to take adequate steps to keep [REDACTED] safe.

19. The allegations against J. Pinkerton and P. Pinkerton were separated by the Complaint Manager into separate complaints to allow for full confidentiality of all allegations. This is typically done to protect the confidentiality of each respondent's allegations. However, given the level of interconnectedness as to the facts of all allegations, the Pinkertons responded to their respective complaints together. All written submissions and evidence were submitted collectively, they appeared together at all times, and, as a result, it was most sensible to hear these matters together. The Pinkertons appeared together at the hearing and jointly made submissions. Accordingly, this decision treats the complaints as one single Complaint. All rules relating to confidentiality, discussed below, apply to both respondents in respect of all allegations and aspects of the hearing process irrespective of to whom the allegation was directed.

20. In conjunction with their Response, P. Pinkerton filed a complaint in respect of the conduct of [REDACTED]. More specifically, P. Pinkerton's complaint alleges that [REDACTED] treatment of her during a particular incident at a horse show on [REDACTED] was inappropriate. This complaint was rejected by the Complaints Manager as lacking in jurisdiction given that [REDACTED] is not subject to the Policy. Given that this incident forms part of the overall chronology which lead to the original Complaint, however, I have addressed the facts of P. Pinkerton's complaint in conjunction with that of the Complainant.

### **Applicable Policies**

21. The Jurisdiction Order set out that all of the above conduct, if proven, could constitute Prohibited Behaviour pursuant to EC's Discipline, Complaints, and Appeals Policy (the "Policy"). The Policy states that "Prohibited Behaviour" is defined by "any of the conduct described in EC's Code of Conduct and Ethics, including but not limited to *Maltreatment*".

22. The EC Code of Conduct ("Code of Conduct") then refers to the Universal Code of Conduct to Address and Prevent Maltreatment in Sports ("UCCMS") for definitions relating to Maltreatment. Such definitions can be found at section 5 of the UCCMS. Additional guidance is set out in the Code of Conduct, which states at section 3 that its purpose is "to ensure a safe and positive environment by making Participants aware that there is an expectation, at all times, of appropriate behaviour consistent with EC's core values. EC is committed to a culture that delivers quality, inclusive, accessible, welcome and safe sport experiences".

23. Neither party pointed, at any time, to any specific portion of any of the above policies which it was believed were violated; however, I am guided by the definitions of prohibited behaviour in these policies in coming to the conclusions below.

24. The Policy requires me to assess, on the basis of the evidence received and submissions heard by me, whether, *on a balance of probabilities*, there has been a breach of the Policy (or integrated codes of conduct). This standard of proof requires me to assess the evidence and determine whether it is more likely than not that the allegations are factually correct and, if so, whether such facts amount to a breach or breaches of the Policy.

### **The Evidence**

25. As set out above, all evidence was received in writing. The material received by me, in addition to oral submissions provided at the hearing by both parties, included the following:

(a) The Complainant provided written statements from [REDACTED], A and C, as well as a statement from [REDACTED] [REDACTED] also provided copies of text message exchanges between [REDACTED] and J. Pinkerton, [REDACTED] and both Respondents, and between [REDACTED] A and P. Pinkerton.

(b) The Respondents provided a written complaint document of P. Pinkerton, written submissions dated August 22, 2024 along with a series of text messages, as well as further submissions dated May 21, 2025. Attached to the latter were a variety of text messages, a series of written witness statements,



and phone records. I was also provided with an e-mail dated July 13, 2024 and attachment relating to a separate and, in my view, unrelated legal dispute between the parties.

26. While the parties' oral submissions were predominantly limited to comments on the evidence – as was my direction – some additional factual comments were added in the midst of submissions. I cautioned the parties to limit their comments to that of submissions only, rather than additional evidence, and attempted to limit the process to that effect to the extent possible.

27. I note that several of the witness statements provided by the Respondents shed no light on the factual circumstances surrounding the incidents at issue and, instead, were in the form of character letters in support of the Respondents. While such letters may be relevant on any question of sanction, they do not assist me in making a ruling with respect to the allegations at issue. The Respondents will be free to rely upon these statements in submissions relating to sanction, but I have not relied upon these statements for the purposes of this decision. All witness statements which refer to the facts that gave rise to the Complaint have been reviewed in detail and, even where not specifically referenced below, have been considered by me in reaching the below conclusions.

### **Status of P. Pinkerton**

28. It was submitted by the Respondents in the course of their submissions during the oral hearing that P. Pinkerton did not have a coaching relationship with A and, as such, she held no position of authority over A. This submission was made to, in some way, mitigate the nature of P. Pinkerton's communications with A, which will be discussed in

further detail below.

29. I am satisfied, however, that P. Pinkerton did have a coaching relationship with A, and was in a position of authority in respect of A. At the material time, A was ■ years old and P. Pinkerton was 23 years old. A was attending Pink Coat Equestrian as a student. While P. Pinkerton may not have yet been a fully licensed coach throughout all of this timeframe, it is evident she was providing coaching sessions to A. In fact, the Respondents' Response states at paragraph 3.9 that "Petra Pinkerton has been acting as an assistant coach and trainer at Pink Coat Equestrian since 2020". This was not corrected by the Respondents in the course of oral submissions. Rather, it was submitted that J. Pinkerton was the primary coach and that, to the extent P. Pinkerton was providing coaching services, she was doing so as an assistant to J. Pinkerton and under J. Pinkerton's insurance while she was on the property.

30. It could also not be denied that Pink Coat Equestrian received payments from the Complainant in respect of coaching services that P. Pinkerton provided to A. Irrespective of how such payments were broken down internally by the Respondents, it is evident that this constitutes a coaching relationship.

31. While P. Pinkerton may not have held a license to coach at all material times, she undoubtedly constitutes a "Person in Authority" as defined by the EC Code of Conduct which defines a "Person in Authority" as "an individual who holds a position of authority within Equestrian Canada (EC) including but not limited to, coaches, managers, trainers, support personnel, chaperones and Directors". As a person within an EC licensed facility who was participating in coaching, mentoring and training (irrespective of whether she

was doing so on a volunteer or paid basis), I am satisfied that P. Pinkerton is captured by the applicable policies and had an obligation to behave in accordance with same.

### **Assessment of Allegations**

32. It is worth noting that much of the allegations relate to the mismanagement of conflict by all parties. Using profane language, yelling or raised voices, petty and disrespectful tone, and incorporating minor participants in conflict either directly through reporting the perceived misbehaviour of their parents to them or indirectly by engaging in conflict in front of them, is immature and unprofessional. While such behaviour may not always, in and of itself, constitute a breach of the applicable policies, it is my sincere hope that this decision will serve as a reminder to the adults involved that this is not an appropriate example to set for children.

33. Given the nature of the allegations, it is helpful to set out my analysis by grouping like allegations together by category.

#### **Allegations Relating to Difficulty with Horse in Trailer – May 26, 2024**

34. These allegations relate to an event which occurred as the parties were loading their horses into the trailer for the Thunderbird horse show. During the loading process, one of the horses got caught in a window of the trailer. There seems to be no dispute that this was an accident. During this stressful incident, which it is agreed could have caused significant injury to the horse, it is alleged that an altercation erupted between the Pinkertons which was inappropriate in nature. More specifically, [REDACTED] alleges that

J. Pinkerton was “yelling and screaming” at P. Pinkerton, began hitting her, and screamed “if you ever do that again I will end you/kill you”. It is also alleged that in the midst of subsequently unloading the affected horse to assess him, the Complainant’s horse first had to be unloaded and in the course of doing so, the horse tripped and nearly fell. It is alleged that no responsibility was taken by the Pinkertons for causing this scene.

35. This incident is addressed in A’s statement as well, who states that after P. Pinkerton accidentally shut the gates to the window on the horse’s face, J. Pinkerton “react[ed] very strongly by hitting and kicking and attacking P. Pinkerton in front of me and multiple other people”. ■■■ goes on to state that onlookers “then had to stand as a group and listen to J. Pinkerton yell more at Petra”.

36. In response, the Pinkertons state that in the course of loading the horses, one of the horses started pulling backward, causing him to hit the divider between him and the horse before him. J. Pinkerton observed that the horse’s halter was caught on the grate and causing him to pull back frantically. They state that J. Pinkerton “shoved Petra out of the way and rapidly climbed up onto the wheel well of the trailer to free the horse”. It is conceded that J. Pinkerton yelled at P. Pinkerton that she must be more careful and observant.

37. It is evident that the events on this date were stressful, could have resulted in injury to J. Pinkerton’s horse, and J. Pinkerton was fearful and angry at P. Pinkerton for her mismanagement of the situation which had been an accident. It is agreed by all parties that P. Pinkerton’s actions in respect of the horse were accidental. There is insufficient evidence that P. Pinkerton failed to take any particular safety-related steps which could

have prevented this incident, or that any such inaction constitutes a specific breach of the policies. While coaching staff undoubtedly have a duty to act diligently at all times for the safety of the animals, accidents will occasionally occur, and I am not satisfied that P. Pinkerton was behaving negligently. I am not satisfied that either P. Pinkerton's actions in respect of the horse who became tangled, or in respect of the Complainant's horse, rises to the level of a breach of the Policy.

38. It is agreed by all parties, however, that in reaction to this accident there was yelling, that J. Pinkerton was angry, and that she laid hands on P. Pinkerton. The specific details of the altercation are less clear. There are conflicting accounts of specifically how J. Pinkerton laid hands on P. Pinkerton as well as with respect to what specific words were used during the verbal altercation. It is also disputed whether A and [REDACTED] would have been standing sufficiently close to observe each detail of the altercation.

39. I am satisfied that it is more likely than not that any physical aspect of the altercation was likely related to J. Pinkerton pushing P. Pinkerton aside to intervene. While she may have done so with more force than was necessary, she did so in a state of panic to ensure the safety of the horse. I am not satisfied that there was any gratuitous violence of the nature suggested by the Complaint.

40. It is certainly the case, however, that J. Pinkerton yelled at P. Pinkerton in the course of, and in the aftermath to, this incident. This behaviour is unprofessional. While initially motivated by a heat of the moment reaction, it is expected within a professional environment that a coach will always behave appropriately, irrespective of the circumstances. This did not occur. It is not appropriate to yell angrily in front of young

athletes and their parents.

41. All participants are required by the Code of Conduct (see s. 20) to treat each other with the highest standards of respect and integrity, to avoid public criticism of other participants, and to consistently demonstrate the spirit of sportsmanship, sport leadership and ethical conduct. It is notable that J. Pinkerton was not speaking to an athlete; she was speaking to her adult daughter and fellow trainer. The Complaint was not filed by P. Pinkerton; rather, it was filed only by an observer of this behaviour. While this is certainly not determinative of my decision in this regard – observers can, and should be encouraged to, file complaints about inappropriate conduct – it speaks to a unique dynamic between two coaches who are also family. Further, the altercation occurred within the context of a high-stress incident. While the behaviour was certainly unprofessional, I am not prepared to find that this behaviour rises to the level of a breach of the Code of Conduct or related policies.

#### *Allegations Relating to the Thunderbird Horse Show*

42. There are a series of allegations, from both parties, which relate to what occurred at the Thunderbird Horse Show. At the outset of the week, it is alleged that P. Pinkerton relied too heavily on A's assistance to do chores relating to P. Pinkerton's horse and that, in the course of doing so, "yelled at A" for there being feces in P. Pinkerton's horse's water. A reports in her statement that she felt she was being asked too much of and that while she was happy to help, she felt she was being taken advantage of because "she knew [I] would never say no to her".

43. I accept, as stated by the Respondents, that there is a team environment requiring

all participants to “chip in” and that all participants should be ensuring that all horses have proper water. I also accept the evidence of [REDACTED] and A that P. Pinkerton was relying too heavily on A for her chores. While it is natural that all participants would chip in, particularly where one participant is tied up with coaching responsibilities; ultimately, P. Pinkerton was responsible for her own horse. Uneven teamwork does not constitute a breach of the Code of Conduct or related policies. Expressing frustration that something has not been done to assist you when you believed it had, even where imperfect tone is used, is similarly not a breach of the Code of Conduct or related policies. Clearly this was a dynamic that the various parties would need to work through to create clearer expectations and boundaries, but this dynamic is not one which amounts to misconduct.

44. The perceived mismanagement of chores by P. Pinkerton at the horse show quite properly led to a discussion between J. Pinkerton and [REDACTED] and subsequently between J. Pinkerton and P. Pinkerton. Later in the week, an altercation resulted between P. Pinkerton and [REDACTED]. P. Pinkerton was clearly displeased with [REDACTED] having made complaints about her misuse of A's assistance earlier in the week and made a series of comments in front of [REDACTED] and [REDACTED] which made that fact clear. [REDACTED] asked that P. Pinkerton not discuss this issue in front of [REDACTED] children, but she continued to do so anyhow. [REDACTED] was of the view that these comments were passive aggressive and that creating conflict in front of the children was inappropriate. I agree.

45. [REDACTED] reaction, however, was also inappropriate. [REDACTED] admits that [REDACTED] yelled at P. Pinkerton and used curse words. More specifically, [REDACTED] states that she used words to the effect of: “that is the most passive aggressive bullshit that I have ever heard. Do not ever fucking speak to my [REDACTED] that way again. You are the adult here and if

you cannot handle being here and being in charge then you should not have fucking come". C's statement mimics that of [REDACTED] in terms of the language used. A's statement does not specify the language used by [REDACTED] during this altercation.

46. P. Pinkerton describes this interaction as one which is far more menacing than that which is described by [REDACTED] and [REDACTED]. I do not accept P. Pinkerton's evidence, which I believe to be exaggerated. Having had the opportunity to observe the parties dispute this topic during the oral hearing, I am satisfied that [REDACTED] spoke inappropriately, raised [REDACTED] voice, and swore multiple times. [REDACTED] admitted to having done so immediately and consistently, and [REDACTED] evidence supports this narrative. P. Pinkerton's suggestion that she believed she was going to be punched defies common sense. Further, P. Pinkerton's suggestion in oral submissions that [REDACTED] called her a "cunt" during this interaction, is not supported by any of the written statements, including her own, and supports my view that there has been some exaggeration in the severity of this incident as time has gone on.

47. I accept that [REDACTED] behaved inappropriately; however, I also accept that [REDACTED] behaviour was triggered by P. Pinkerton's refusal to handle a dispute between them with maturity. This is not an excuse, it simply provides context. This improper language was an isolated incident, was not directed at a minor, and was immediately corrected. While, as set out above, I was not tasked with determining whether this complaint constitutes a breach of the Code of Conduct – as the complaint was deemed to be without jurisdiction – I would not have reached that conclusion in any event as this was a one off incident for which [REDACTED] immediately apologized.



*Allegation of P. Pinkerton Striking Complainant's Horse*

48. It is alleged that at the conclusion of Thunderbird when trailering the horses home, P. Pinkerton struck the Complainant's horse in the face several times because he was uncooperative in exiting the trailer. In response, the Respondents state that, in fact, the horse was reacting in a way which was dangerous, and A was not able to manage the dangerous situation effectively. The Respondents state that multiple alternative options were first tried and the situation remained dangerous so, ultimately, P. Pinkerton used the palm of her hand to push the horse's head, eventually resulting in the horse safely exiting the trailer.

49. A and C's explanations of this incident are vague and significantly lacking in detail. [REDACTED] was not present for this incident. The Respondents' account is highly detailed and logical. For that reason, I prefer the evidence of the respondents. I do not have sufficient evidence to establish, on a balance of probabilities, that P. Pinkerton engaged in what can effectively be described as gratuitous violence towards the Complainant's horse; rather, I prefer the evidence of the Respondents which suggests that P. Pinkerton was assisting the Complainant's [REDACTED] in navigating a dangerous situation to allow the horse to exit the trailer safely.

50. For this reason, I am unable to conclude that this allegation can be substantiated.

*Allegation of P. Pinkerton Striking her own Horse*

51. It is alleged that P. Pinkerton hit her own horse with the handle end of her crop

“multiple times” and then kicked [REDACTED] in the face. A and C provide virtually identical accounts of this incident, and both describe the incident giving rise to multiple notable welts on the horse's body. This is incongruous with a public horse show setting where such injuries would be highly noticeable to others. Further, the statements look in this respect as though they were prepared together given their similarities. Another witness was present but did not provide a statement.

52. P. Pinkerton, on the other hand, states that she used her crop exactly two times as it's intended and permitted because the horse was rearing, and she was unable to dismount safely<sup>1</sup>. I expect that the truth likely lies somewhere in the middle; however, I am dissatisfied with the evidence to determine, on a balance of probabilities, that P. Pinkerton engaged in the level of aggression that is suggested. For this reason, I am unable to substantiate this allegation.

#### *Allegations Relating to P. Pinkerton's Communications with A*

53. There are several allegations relating to the manner in which P. Pinkerton communicated with A. It is alleged that P. Pinkerton repeatedly referred to A as a “whore” and that she engaged in a multitude of sexually inappropriate conversations with her notwithstanding that A was [REDACTED] at the time. P. Pinkerton does not deny using the word “whore” to refer to A. Similarly, she does not deny that the text messages produced by the Complainant were an accurate representation of a portion of the conversations that took place. These text messages include highly explicit language and refer to “sexting”

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<sup>1</sup> I note that the EC Horse Welfare Code of Conduct only prohibits whipping or beating a horse where doing so is “excessive”.

occurring between P. Pinkerton and a man or men who she was dating at that time. At the, P. Pinkerton was 23 years old, and A was ■ years old.

54. While P. Pinkerton does not deny that these communications occurred, she attempts to add context. Both she and others who provided witness statements state that the use of the word “whore” was in jest, was pronounced differently than the usual, and was intended to “reclaim” the word. In other words, it was not meant in its literal or demeaning sense.

55. With respect to the text messages, it is admitted that these were inappropriate conversations, but it is suggested that this impropriety was at least, in part, influenced by the manner in which A would speak with P. Pinkerton. In effect, it is suggested that A herself normalized the type of sexual and suggestive conversation that was occurring by disclosing information about herself, through the use of particular language, and by confiding in P. Pinkerton and others about her personal life.

56. Further, there was an attempt made during the hearing to suggest that these were social interactions not in the nature of coach and athlete. As already indicated above, I do not accept this assertion. I also do not accept the explanations provided in respect of this behaviour.

57. It is true that environments where there are a range of age groups can become overly familiar, and boundaries can be crossed. However, P. Pinkerton was a coach of A's, P. Pinkerton was bound by the Code of Conduct, and P. Pinkerton had an obligation to ensure her behaviour complied with such Code of Conduct. The Code of Conduct prohibits persons of authority from becoming overly involved in an athlete's personal life

and/or using sexually explicit language, imagery, or conversations (see s. 26).

58. P. Pinkerton was an adult and a coach. A was a child and was an athlete under the supervision and coaching of P. Pinkerton. P. Pinkerton held a position of authority and A is subject to that authority. In this context, the use of language like “whore” to describe a ■-year-old, irrespective of context, and the type of sexually explicit conversations seen in the text messages, is extremely inappropriate. I am troubled by the suggestion that A’s complicity in these conversations renders P. Pinkerton less culpable. The reason section 26 of the Code of Conduct exists is that mature, respectful and professional boundaries are necessary to a safe relationship between adults with authority, and children, and the obligation to maintain such boundaries rests exclusively with the person in authority. P. Pinkerton failed to do so. For these reasons, I conclude that P. Pinkerton’s conduct in this regard constitutes a breach of the Code of Conduct.

#### *Allegations Relating to J. ’s Mishandling of Complaints*

59. The Complainant alleges that J. Pinkerton repeatedly failed to adequately respond to her multiple complaints about P. Pinkerton’s treatment of A. ■ statement walks through a series of phone calls and text messages in which she attempted to handle the dispute between herself, P. Pinkerton and ■ without the involvement of the children.

60. There is no doubt that this conflict was mishandled on all ends. Failure to handle conflict in a mature and professional way is not, in and of itself, a breach of the Code of Conduct. Repeated nonresponse, failure to communicate effectively, unfair shifting of

blame, and refusal to speak about the issues involved, are similarly not sufficient to ground a finding of misconduct. This was a personal conflict between [REDACTED] P. Pinkerton and J. Pinkerton and, without more, the mishandling of personal conflict should not attract a finding of misconduct.

61. What is required, however, is that in managing conflict, affected minors are perpetually protected. It is my view that both J. Pinkerton and P. Pinkerton failed to do so. The Code of Conduct prohibits persons in positions of authority from becoming overly involved in the lives of minor athletes, and the UCCMS prohibits “boundary transgressions” (see section 5.7) which is an act that is inappropriate in all of the circumstances, judged through the mind of a reasonable and objective observer. The Complainant and [REDACTED] describe the following behaviours during the course of the dispute between [REDACTED] P. Pinkerton and J. Pinkerton:

(a) J. Pinkerton spoke privately with C and commented that [REDACTED] was toxic, that [REDACTED] behaviour was unacceptable and questioned [REDACTED] parenting. J. Pinkerton excused all of P. Pinkerton’s actions, referred to [REDACTED] as abusive, stated that they needed to “get [REDACTED] under control” and stated that they could have reported [REDACTED] to SafeSport. J. Pinkerton also spoke negatively of [REDACTED], referring to [REDACTED] as an alcoholic.

(b) P. Pinkerton read text messages from A and C’s [REDACTED] out loud to them, with others present, making snarky responses to the text messages.

62. J. Pinkerton admits that she spoke with both C and A about her concerns in relation to the altercation between [REDACTED] and P. Pinkerton. She admits that she explained

that [REDACTED] had bullied P. Pinkerton and could have been removed from the competition. She agrees that she brought up an incident in Ontario where a hockey parent had killed another parent during a game and suggested that this case influenced the need for parents to abide by the rules of safe sort.

63. It is clear that J. Pinkerton and P. Pinkerton had ill will towards [REDACTED] after the altercation that occurred at the horse show. The text messages reveal that [REDACTED] attempted multiple times to speak with them both to resolve their dispute. Rather than doing so, J. Pinkerton and P. Pinkerton actively involved [REDACTED] children. These efforts – which were clearly designed to prove to the children how wrong [REDACTED] [REDACTED] behaviour was – were misplaced and manipulative. These conversations were harmful to C and A, who were intentionally placed in a very uncomfortable position. It is suggested that these conversations were necessary to a) understand what had occurred and; b) demonstrate to the children the impropriety of [REDACTED] behaviour. I disagree. C and A are children and should not be involved in the disputes of adults or made to feel like they are required to admonish the actions of their parent. This dispute should have been handled separately from the children.

64. While I am unable to conclude that mismanagement of conflict is, in and of itself a breach of the Code of Conduct, this threshold was crossed, in my view, when P. Pinkerton and J. Pinkerton actively engaged minor athletes under their care in this dispute. Repeated disparaging comments about [REDACTED] and manipulative treatment crosses the personal/professional boundary that is required between coaches and their athletes, and is harmful to those athletes. P. Pinkerton and J. Pinkerton were required to behave in a professional and appropriate manner which did not impact their athletes, and they

failed to do so. Accordingly, I am satisfied that the Code of Conduct and UCCMS was breached in this respect by P. Pinkerton and J. Pinkerton.

### **Confidentiality**

65. Pursuant to s. 57 of the Policy, the complaints process is confidential and only those involved in this process – the Complaints Manager, the parties, the witnesses and the Hearing Panel – may receive information relating to the process. None of the parties may disclose confidential information relating to the Complaint outside the involved parties. Public distribution or release of this decision is governed by sections 58-64 of the Policy. After appropriate redaction of personal or sensitive information, the decision will be released by EC and the factual details contained in the decision are no longer confidential. Identifying details of minors must and will be removed prior to distribution. This will include the name of the Complainant in this matter given that such name will lead to the identification of A and C. The parties should be mindful of public discussion of any information, or public dissemination of the decision, in any manner which could tend to identify the involved minors. Further, information learned by the parties through this hearing process which is *not* found in this decision remains confidential and shall not be discussed with anyone outside this process.

### **Conclusion and Next Steps**

66. For the reasons above, the following I find, on a balance of probabilities, that P. Pinkerton and J. Pinkerton have breached the Code of Conduct in the following respects:

- (a) P. Pinkerton's manner of communication with A, which included the repeated

use of the word “whore” and sexually explicit conversations and communications, constitutes a breach of the Code of Conduct; and

- (b) The involvement of C and A, by P. Pinkerton and J. Pinkerton, in the dispute between them and the Complainant in the manner set out above, was unprofessional, inappropriate, and constitutes a breach of the Code of Conduct and UCCMS.

67. All other allegations set out in the Complaint, as well as the complaint filed by the Respondents, are hereby dismissed.

68. The next stage in the proceeding is the provision of submissions in respect of sanction. I order the following in this regard:

(a) Pursuant to s. 51 of the Police:

- i. The Complaint Manager may provide submissions in writing in respect of any circumstances during the Complaint Process but prior to my appointment that the Complaint Manager believes could potentially be considered in the determination of sanctions. Such submissions shall be provided to me, and circulated to the parties, by no later than 10 days from the date of this decision.
- ii. Equestrian Canada may provide written submissions on the issue of appropriate sanction. Such submissions shall be provided to me, and circulated to the parties, by no later than 10 days from the date of this decision.



(b) The Respondents may provide any additional evidence that they wish to rely upon in support of the issue of sanction – which shall not be used to undermine the factual findings made above and shall be limited only to that which is relevant strictly to the issue of sanction – within 10 days of the date of this decision.

(c) The parties may provide submissions in writing, not to exceed 10 pages, on the issue of sanction. The parties should be guided by the Policy in setting out their position in respect of appropriate sanction. The parties' submissions shall be filed by no later than 20 days from the date of this decision.



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JESSICA BARROW, Adjudicator  
July 10, 2025