

**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 SANCTION

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. By way of summary, the bases for this decision were as follows:

- (a) Procedural Order #3 was clear with respect to the schedule, which was aimed at fairness to the parties and witnesses, as well as ensuring a timely hearing process;
- (b) The parties were given ample time to comply with the timelines set out in Procedural Order #3; and
- (c) It would be unfair to the Complainant and the minor witnesses for these witnesses to be subjected to cross-examination with so little notice.

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.

16. I issued my Decision on the Merits on July 10, 2025 (“Merits Decision”) wherein I determined that two breaches of the Policy had occurred. More specifically, I found as follows:

(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.

17. All other allegations set out in the Complaint, as well as the complaint filed by the Respondents, were dismissed.

18. The Merits Decision also set out the process by which submissions on sanction would be received from the parties as well as Equestrian Canada (“EC”) and the Complaint Manager, both of whom have the right to file submissions in respect of sanction pursuant to the Policy.

19. Following the release of the Merits Decision, further submissions were received by

the Respondents setting out various concerns with respect to the fairness of the process. Additionally, questions were raised by the parties with respect to the exchange of penalty submissions and whether the parties have an opportunity to respond to opposing submissions.

20. In response to these questions and concerns, I released Procedural Order #5 on August 7, 2025. Procedural Order #5 dismissed the Respondents' concerns regarding the purported procedural unfairness. By way of summary, the bases for this decision were set out as follows:

- (a) I was provided evidence that the parties were notified by e-mail on May 9, 2024 that Procedural Order #3 had been added to their folder, screenshots demonstrating that Procedural Order #3 had been added to their folder on the same date and that, as such, Procedural Order #3 was made available to the Respondents in a timely manner;
- (b) I was not satisfied that there was sufficient evidence to suggest there was any real impediment to Procedural Order #3 being accessed by the Respondents or that there was any unfairness to the Respondents; and
- (c) Given the nature of my findings in the Merits Decision, and those allegations of misconduct which were dismissed, I was not of the view that any cross-examination of the minor witnesses would have materially changed the outcome in any event.

21. Additionally, to ensure a full opportunity to be heard by all relevant parties, I

ordered that all parties be given copies of the submissions filed by other parties and set out a schedule for the opportunity to reply to same.

Materials Reviewed

22. Pursuant to the schedule for exchange of materials, I was provided with the following for review and consideration:

- (a) Written submissions of Complainant;
- (b) Sanction Submissions of non-party EC (with attachments);
- (c) Sanction Submissions from the Respondents;
- (d) Written Reply Submissions of non-party EC to the Sanction Submissions of the Parties; and
- (e) Respondent Rebuttal of Complainant's Submissions on Sanctions.

23. I have reviewed all of the above in detail.

Positions of the Parties

24. The Complainant seeks a permanent expulsion for the Respondents from all EC events as well as revocation of any/all licenses issued by EC in respect of the Respondents' ability to train clients. This position is based on the following:

- (a) The Complainant focuses much of her submissions on the lack of accountability taken by the Respondents and, in particular, the position taken by the Respondents that P. Pinkerton did not have a coaching relationship with A. The

Complainant submits that this was an intentional lie aimed at attempting to reframe the relationship between A and P. Pinkerton as one of friendship rather than one of the type of power imbalance that occasions a coach/student relationship. The Complainant asserts that this is demonstrative of a fundamental lack of accountability and trustworthiness.

(b) The Complainant states that there has been a pattern of inappropriateness, and a failure to adequately address such impropriety, by the Respondents. In [REDACTED] submission, the type of behaviour engaged in by P. Pinkerton has “been made acceptable” by J. Pinkerton’s compliance with it.

(c) The Complainant states that the Respondents’ failure to take meaningful accountability, and her deflections of responsibility throughout this process, suggest an inability to change and continued safety issues.

25. EC takes the position that the appropriate sanction for both Respondents is expulsion and permanent ineligibility to participate in EC activities/events. EC also seeks monetary contribution by J. Pinkerton. This position is based on the following submissions:

(a) With respect to P. Pinkerton, EC submits that the findings of fact made in respect of her conduct – namely, the sexually explicit name-calling and information sharing with A – constitutes sexual maltreatment as defined by s. 5.5 of the UCCMS. EC states that at s.58 of the UCCMS, sexual maltreatment carries a presumptive sanction of permanent ineligibility.

(b) Additionally, EC points to my additional findings of fact with respect to P. Pinkerton's improper involvement of minors in the dispute between the Complainants and the Respondents and notes that P. Pinkerton has demonstrated a problem overall in recognizing and respecting appropriate boundaries with minors.

(c) Finally, with respect to P. Pinkerton, EC highlights the failure of P. Pinkerton to take full accountability of her behaviour, choosing instead to deny her position of authority over A and, resultantly, there remains a significant risk of harm.

(d) With respect to J. Pinkerton, EC highlights my findings of fact relating to her improper conduct in respect of her conflict with the Complainant and her inappropriate involvement of the Complainant's minor children in such dispute. Beyond these findings of fact, EC highlights the conduct of J. Pinkerton during this proceeding. More specifically, EC states as follows in this regard:

- i. J. Pinkerton commenced a court application in an attempt to "seriously undermine the integrity of its discipline process". Such litigation took many months, required retaining external counsel, and was ultimately dismissed. J. Pinkerton filed an appeal which she later abandoned.
- ii. EC highlights the communications between J. Pinkerton and the Complaint Manager as an aggravating factor, arguing that such communications were vexatious and harassing. Copies of these communications were attached to EC's submissions.

iii. EC notes that J. Pinkerton violated the confidentiality of this process by submitting records she received in confidence through this hearing process in a public court record. EC states that she was granted permission to print documents obtained through this process on the sole basis of disability concerns she cited and then abused this privilege by making such documents public record.

(e) EC notes that there was a lack of clarity as to whether J. Pinkerton was aware of P. Pinkerton's improper sexualized behaviour towards A. To clarify: I made no such finding because there was insufficient evidence to do so. Rather, I note that J. Pinkerton was made aware of other complaints relating to P. Pinkerton's attitude towards minors and mishandled such complaints as described in the Merits Decision. EC notes that even in the absence of her knowledge of the sexually inappropriate conduct, J. Pinkerton failed to properly supervise and train P. Pinkerton, who she claimed to be operating under her supervision and licence, and failed to respond properly once she did ultimately become aware of the conduct.

(f) EC states that J. Pinkerton similarly displayed a concerning inability to maintain professional boundaries with minors and failed to take any meaningful accountability either for her own actions or for the seriousness of the actions of P. Pinkerton, who was under her supervision at the time of the misconduct.

(g) EC also states that J. Pinkerton's conduct through this hearing process constitutes retaliation pursuant to s. 5.14 of the UCCMS.

(h) EC points my attention to s. 7.4 of the UCCMS, which sets out a list of relevant mitigating and aggravating factors and notes that, in application of same, the factors applicable in the present case are almost exclusively aggravating in nature. For these reasons, EC submits that J. Pinkerton's continued participation in the sport would not be appropriate.

(i) With respect to the request for monetary contribution, EC states that it has incurred more than \$65,000 to date on unnecessary court costs relating to J. Pinkerton's abusive court actions. While it is acknowledged that, at least in part, these costs will be the subject of a costs award from the Court (the amount of which remains to be determined) there will be a shortfall. Accordingly, EC seeks fees incurred for time spent by the Complaint Manager and this Panel in dealing with J. Pinkerton's actions.

26. The Respondents' submissions consist, in part, of an attack on the Merits Decision, the process which led to same, and the interplay between the policies which make up the applicable policy framework. There is no disputing that the UCCMS is applicable, as are all Equestrian Canada policies. The EC Code of Conduct specifically incorporates by reference the UCCMS and, as such, it is clear that both are applicable. I view it as unnecessary to comment further on this issue. Similarly, I see no need to comment on the purported procedural irregularities the Respondents argue unfolded throughout this hearing process. I am satisfied that this hearing process was fair and reasonable. The Respondents' comments in this regard are consistent with their approach throughout this hearing, which was to aggressively dispute every aspect of the process, notwithstanding generally having no legal basis for doing so.

27. I am not interested, nor would it be appropriate at this stage, in relitigating the procedural concerns raised throughout this hearing or further justifying the findings laid out in the Merits Decision. The Respondents' continued attempts to dispute my findings, recharacterize their actions, and request a stay with respect to one of the findings of misconduct, is concerning in that it signals a complete lack of respect for this adjudication and, more importantly, a complete lack of accountability.

28. On the specific issue of penalty, the Respondents state as follows:

(a) P. Pinkerton has already expressed remorse for her actions with respect to the sexual impropriety and has taken three Safe Sport training courses of her own accord.

(b) It is not open to EC to recharacterize my findings of misconduct as sexual maltreatment under the UCCMS.

(c) Expulsion would be a "gross overreach that would serve to ruin her reputation, her passion and even her career as a physician".

(d) The Respondents state, as it relates to their involvement of the minors in their conflict with their [REDACTED] that the only way to investigate the issue at hand was to speak with the minors.

(e) The Respondents suggest that the fact that "affected minors are to be perpetually protected" is not mentioned or defined in the policy framework constitutes a mitigating factor.

(f) Much of the Respondents' arguments in respect of penalty involve a claim that the findings already made by me were invalid for a variety of reasons. As stated above, I will not be revisiting these findings, and such submissions are unhelpful to me in the task at hand.

(g) With respect to the EC request for monetary compensation, much of the Respondents' submissions relate to the purported flaws in the applicable policy framework. While I have the authority to interpret such framework, I do not have the authority to change the framework. I am bound by its language. Accordingly, I will provide no further reasons in respect of this argument.

(h) The Respondents note that pursuing further legal action was within their legal rights and they should not be penalized for having done so either as it relates to the costs of same or for the resulting need to make public certain documents obtained through this confidential process.

Decision on Sanction

29. Rather than taking the opportunity to provide me with information that could assist in mitigating their actions – for example their history and accomplishments to date in the sport – the Respondents spent the vast majority of their submissions attacking my rulings, attacking the submissions and intentions of all those involved in administering the complaints process, and attempting to excuse the actions which led to my findings of misconduct. This is an unfortunate approach in that it both fails to arm me with tools that could have provided mitigation and, to the contrary, it is a clear demonstration that the Respondents are not truly remorseful, do not fully take accountability for their actions,

and do not appreciate the impact of their actions on the children in their care.

30. The following were of particular concern to me:

- (a) The suggestion that my findings in respect of the Pinkertons' inappropriate involvement of minors in the dispute with the Complainant should be stayed because there is no definition or mention of the standard that "affected minors are to be perpetually protected" is troublesome. It is inherent in the coaching relationship that coaches are to ensure that upholding the safety and wellbeing of children in their care is always top of mind. The Policy need not specifically reference behaviour during a conflict because such principle should be patently obvious to any responsible coach. This argument is reflective of a profound lack of understanding of the level of influence coaches have in the lives of children and the level of responsibility that such influence comes with.
- (b) At page 9, the Respondents note "I specifically warned the complaints manager that forcing me to petition the court for particulars would necessarily result in the publication of the children's names and complainant's identity. Despite this clear warning, SDM proceeded to deny basic procedural fairness, leaving me no alternative but to seek judicial intervention". This type of tone is reflective of the type of threatening, aggressive and unprofessional communication engaged in by J. Pinkerton towards the Complaints Manager throughout this process. I have read each of those e-mails and their tone demonstrates an utter lack of respect for this process and those that administer this process. I also note that this threat is demonstrative of a continued lack of regard for the minors

affected by this process, with their identities being used as a tool to intimidate the Complaints Manager.

28. At page 10, the Respondents note “The real chilling effect comes from EC’s retaliation against me for exposing their deficiencies, proving they prioritize hiding procedural incompetence over ensuring fair proceedings.” This proves that the Respondents are incapable of respecting the directions given throughout this process and are more concerned with deflecting from their own misbehaviour to place blame on others. This attitude is reflective of persons who are ungovernable in that they will engage in misconduct, refuse to accept any meaningful responsibility for doing so, and be obstructionist and retaliatory throughout the process. Such attitude does not bode well for the rehabilitative potential of these Respondents.

29. Both EC and the Complainants seek the permanent expulsion of both Respondents. This is a very serious penalty which, no doubt, will be extremely impactful to the Respondents and their lives. As such, I need to consider this request with the level of seriousness it requires.

30. Contrary to the repeated assertions of the Respondents, I am bound by both the EC policy framework and the UCCMS. I am not prepared to ignore the UCCMS, or to stay any of my earlier findings, on the basis of the purported procedural errors raised by the Respondent. I am satisfied that the hearing process was fair and compliant with all applicable policies, including the UCCMS. As such, the sanction related factors it lists, as well as the manner in which it defines various types of misconduct and related penalties, are applicable.

Sanction for P. Pinkerton

31. EC submits that P. Pinkerton's actions in respect of her sexually inappropriate conversations with A constitute sexual maltreatment under the UCCMS, pursuant to which the presumptively appropriate penalty is expulsion. The Respondents submit that EC's attempt to recharacterize my findings with a new definition of misconduct is improper.

32. Sexual maltreatment is defined in the UCCMS as follows:

... Sexual harassment, which is defined as any series of or serious comment(s) or conduct of a sexual nature that is unwelcome and that would be objectively perceived to be unwelcome, and which broadly includes jokes, remarks or gestures of a sexual or degrading nature, or distributing, displaying or promoting images or other material of a sexual or degrading nature, or any act targeting a person's sexuality, gender identity or expression. It can also include stalking or harassment in person or by electronic means where the stalking or harassment is of a sexual nature.

...

Sexual Maltreatment of a Minor is any Sexual Maltreatment against a Minor. It includes the items described in 5.5.1 above and also includes, but is not limited to, the Criminal Code offences that are specific to individuals who are not adults or to individuals under a particular age, such as sexual exploitation, sexual interference, and any offence related to exploitation of a Minor through prostitution. Sexual Maltreatment of a Minor is not limited to acts that involve physical contact but can include acts that can occur in person or via electronic means such as, but not limited to, invitation to sexual touching, making sexually explicit material available to a Minor, and acts that occur only online such as luring or agreement or arrangement to commit a sexual offence against a Minor. It also includes any offence related to child pornography as that term is defined in the law in Canada. For the sake of clarity, it shall not constitute a violation in and of itself for a Minor Participant to create, possess, make available or distribute images of themselves.

33. My finding with respect to P. Pinkerton's actions was that her actions were inappropriate and constituted a breach of the Code of Conduct. I do not agree with the

Respondents that attaching an additional definition to the nature of the misconduct constitutes an improper recharacterization of the misconduct. Rather, I must refer back to the policy framework to inform my decision on sanction and, more specifically, what parameters and guidelines exist therein in respect of sanction. This may include further clarifying or defining the misconduct for this purpose.

34. I agree with EC that the Code of Conduct breach in this case can otherwise be defined as sexual maltreatment pursuant to the UCCMS. More specifically, sexual jokes and remarks, and displaying explicit material, are prohibited as falling within the definition of sexual maltreatment, and both were engaged in by P. Pinkerton. Sexual maltreatment carries with it a presumptive expulsion. The Respondents' submissions contain little to assist in overcoming such presumption.

35. I am still required, in my view, to weigh relevant sanction considerations, which are set out in detail at s. 7.4 of the UCCMS. In the present case, I find the following factors relevant:

- a. The sexual nature of the discussions was egregious, particularly given the ages of the parties involved with P. Pinkerton being 23 and A being only ■■■ as well as given the power imbalance inherent in a coach/student relationship. However, I would also note that the present misconduct falls on the less severe end of those actions defined as sexual maltreatment.
- b. I am not aware of any previous findings of misconduct that would impact my ruling.

- c. It is acknowledged that P. Pinkerton acknowledged that her actions in respect of the sexual impropriety were problematic and offered to provide an apology. This is mitigating to some extent; however, P. Pinkerton repeatedly demonstrated a significant lack of understanding as to the seriousness of this behaviour. She attempted to contextualize her actions which only served to demonstrate to me that she does not understand how inappropriate this manner of communication is with a child. Additionally, she attempted to argue that she held no position of authority over A and did not have a coaching relationship with [REDACTED] Such a suggestion is absurd on its face given that she did not dispute that A was receiving lessons from P. Pinkerton and that payment was being made to J. Pinkerton in respect of same. Again, this is an attempt to deflect from taking full responsibility for her actions.
- d. The Respondents' submissions advise that P. Pinkerton took three Safe Sport training courses. I accept that as a positive step towards rehabilitation.
- e. While I certainly accept that P. Pinkerton was in a position of authority over A and should have behaved as such, I do find it relevant to note that P. Pinkerton was still young and relatively new to coaching and it appears, from my perspective, that her actions are related to a lack of maturity as opposed to any more nefarious motivation.
- f. P. Pinkerton's actions are compounded by the manner in which she handled the later conflict with the Complainant – her actions demonstrate a complete

lack of boundaries and bad judgment as it relates to the children under her care.

36. I am very troubled by the poor judgment and lack of professionalism displayed by P. Pinkerton vis-à-vis her relationship with A. It should be no surprise to her that having sexually explicit conversations, and sending sexually explicit materials, to children is the antithesis of creating a safe space for those children. It should not have taken this process for her to come to this realization. It should have been obvious. Not only was it apparently not obvious, but she continued to try to excuse (at least to some extent) her actions throughout this proceeding. More pointedly, she attempted to shift at least some of the blame for her behaviour on A notwithstanding that A was only █ at the time, and P. Pinkerton was an adult and was A's coach.

37. As a result of these actions and excuses, I am not satisfied that, to date, P. Pinkerton has a real appreciation for the seriousness of her actions and for the level of vulnerability of children in her care as a coach. While she has taken further education in the intervening time, there remain attempts in the sanction submissions to detract from the seriousness of the misconduct. In my view, the only appropriate response to this allegation – which was clearly proven on its face by a review of the text message evidence – was absolute and unequivocal remorse and accountability. Had this been P. Pinkerton's response during this response, the outcome may have been different given that the misconduct falls at the lower end of the spectrum as it relates to sexual maltreatment. However, this was not the response. Rather, P. Pinkerton's response involved an only partial acceptance of responsibility, coupled with victim blaming and denial of the fundamental power imbalance inherent in her relationship with A.

38. For these reasons, I remain concerned with P. Pinkerton's poor judgment, her refusal and/or inability to implement and abide by reasonable and professional boundaries, and her degree of accountability. With those concerns in mind, I am not satisfied that she is presently capable of behaving in a manner which ensures that the best interests of the children in her care are protected. In other words, I am of the view that there remains risk of future similar misconduct. The sanction I impose must be mindful of these concerns and must be a deterrent both to P. Pinkerton and others within the sport that such conduct is intolerable.

39. Sexually explicit discussions as an adult with a ■-year-old child is very serious misconduct and constitutes a profound lack of judgment and regard for the wellbeing of the child. Further, this was not simply a one-off incident, rather these communications were repeated over time. Combined with my ongoing concerns around failure to take full accountability and the risk of future similar misconduct, this leads me to the conclusion that expulsion is the only reasonable outcome.

40. Accordingly, I order that P. Pinkerton be expelled from participation in any EC sanction events or activities and that any licenses or accreditations granted to her by EC be revoked. This conclusion is without prejudice to any application or request that P. Pinkerton may make to EC in the future to be reinstated in any capacity. Such decision will be at the discretion of EC after being satisfied that sufficient changes have been made such that no ongoing risk of harm remains.

J. Pinkerton Sanction

41. J. Pinkerton's misconduct is arguably less serious than that of P. Pinkerton, but

her conduct throughout this hearing process has been very problematic, which must factor into my determination.

42. My findings with respect to J. Pinkerton's misconduct were that, in managing her conflict with the Complainant, she unnecessarily and inappropriately involved the minors in the dispute. More specifically, she ignored the Complainant's pleas to speak directly with her rather than the children about the dispute and, instead, spoke to both children and made highly disparaging remarks about their [REDACTED] and their family in the process of doing so.

43. J. Pinkerton attempts to defend her actions by suggesting she had no choice but to speak with the children in order to investigate what had occurred between P. Pinkerton and the Complainant. This argument fails to acknowledge the true nature of her wrongdoing and is part of her pattern of deflecting from any real accountability. J. Pinkerton was very clearly not speaking to the children in an attempt to get to the bottom of what occurred; rather, as I already found, her discussions with the children were manipulative and aimed at making clear to the children that their [REDACTED] was in the wrong and that they needed to "get [REDACTED] under control". These were not investigative steps; in my view, J. Pinkerton was not interested in learning what really occurred and whether any of the complaints about P. Pinkerton were justified. It is obvious from the manner in which she spoke with C, in particular, that her intention was simply to convince the children that their mother had behaved inappropriately. J. Pinkerton was angry with the Complainant and tried to turn [REDACTED] children against [REDACTED]. This behaviour is completely unacceptable and would be damaging to vulnerable children who are trying to navigate a difficult conflict.

44. The manner in which J. Pinkerton handled this conflict, spoke to minors, and then continues to justify having done so, demonstrates to me that she is not interested in understanding the problematic nature of her actions, does not know how to work with children in an appropriate and professional manner, and avoids accountability and growth at all costs.

45. This finding is bolstered by J. Pinkerton's conduct throughout this hearing process. J. Pinkerton has continuously disputed virtually every ruling I have made throughout this process, has refused to accept direction, has repeatedly sent abusive and aggressive communications to the Complaints Manager due to her dissatisfaction with how the complaint was being managed, and has demonstrated an overall profound lack of self awareness and humility. To be clear, I am not of the view that J. Pinkerton should be sanctioned for disagreeing with my findings – that is most certainly her right – however, her actions rose well above disagreement and amounted to a clear disrespect for me, my findings, this process, EC, and the Complaints Manager. While J. Pinkerton certainly does not have to agree with the outcomes of this process, she is required to engage in this process with respect. Similarly, genuine and appropriate questions throughout this process should not be discouraged; however, the tone of J. Pinkerton's communications was not in the nature of good faith queries regarding the process; rather, her tone was aggressive and demeaning.

46. I am required to apply the factors applicable to determining sanction as set out by the UCCMS which, in this case, apply as follows:

- a. There is a considerable power imbalance between J. Pinkerton as an adult

and longtime coach comparatively to the children under her care;

- b. I am not aware of any previous disciplinary findings that would impact my ruling;
- c. Age of the respective parties is an aggravating factor. Unlike as it relates to P. Pinkerton, J. Pinkerton has been an adult and a coach for much longer and her inappropriate behaviour cannot be blamed on immaturity;
- d. Given the lack of accountability and continued abuse throughout this process, a continued risk exists with respect to J. Pinkerton's ability to treat children appropriately and professionally; and
- e. Overall, J. Pinkerton has displayed a considerable lack of respect for this hearing process, for the authority of EC, for the impact of her actions on minors, and for any suggestion that she needs to make changes for herself. This suggests a very limited prospect of rehabilitative potential.

47. Unlike with respect to P. Pinkerton, there is no presumptive penalty applicable in respect of J. Pinkerton's actions. Had J. Pinkerton been prepared to take accountability and move forward with EC with a mindset of growth, learning, and education around professionalism and sensitivity when dealing with children and their parents, the outcome would likely be different with respect to sanction. The misconduct is not so egregious that, in and of itself, expulsion would have been the only appropriate outcome.

48. However, J. Pinkerton has shown herself to be completely ungovernable. To be clear, I do not dispute her right to seek appropriate legal recourse at any time. However,

it is apparent in the manner in which J. Pinkerton responded to each step along the way of this process that she does not respect the rules, she does not respect this adjudicative panel, she does not respect EC, she does not respect the confidentiality of the minor children, she does not respect the hearing process, and she is unconcerned with the potential impact of her actions on the minor children under her care. Her behaviour throughout this process speaks volumes as to the likelihood of her potential for growth and change and, in my view, the message she sent is that she is disinterested in both.

49. EC has asked for both permanent expulsion and monetary compensation with respect to J. Pinkerton. I am not prepared to order monetary compensation. While I am certainly of the view that J. Pinkerton's actions throughout this hearing process have been both problematic and demonstrate a complete lack of accountability for her actions, I am of the view that monetary damages is an extraordinary remedy in the context of an administrative disciplinary proceeding. In my view, the purpose of this adjudicative process is not one of a punitive nature but, rather, is aimed at upholding the values of EC and a safe sport environment for everyone. Responding to the vexatious and excessively aggressive nature of J. Pinkerton's approach to litigation is an issue best left to the courts.

50. I am more concerned with the message being sent by J. Pinkerton's actions and position throughout this hearing, including in her submissions on sanction, as it relates to whether she is able to participate in this sporting environment in a safe and respectful manner. I am of the view that she is not. As a result of these actions, I am convinced that she is unlikely to change moving forward and, for this reason, there is a continued risk as to the mistreatment of minors and adults, particularly those with whom she disagrees, if J. Pinkerton continues having minors in her care, or participating in EC activities or events.

51. Accordingly, I order that J. Pinkerton be expelled from participation in any EC sanction events or activities and that any licenses or accreditations granted to her by EC be revoked. This conclusion is without prejudice to any application or request that J. Pinkerton may make to EC in the future to be reinstated in any capacity. Such decision will be at the discretion of EC after being satisfied that sufficient changes have been made such that no ongoing risk of harm remains.

Public Disclosure

52. EC may publish this decision pursuant to the Policy. In so doing, EC shall continue to uphold confidentiality for the interests and identity of any affected minor.

A handwritten signature in blue ink, appearing to read "Barrow".

JESSICA BARROW, Adjudicator
September 11, 2025