



COMMISSION HEARING

TORONTO, ONTARIO – MARCH 15, 2012

IN THE MATTER OF THE RACING COMMISSION ACT S.O. 2000, c.20;

**AND IN THE MATTER OF THE APPEAL AND REQUEST FOR HEARING OF
STANDARD BRED LICENSEE JOSHUA MARKS**

On September 8, 2011, the Judges at Mohawk issued Standardbred Official Ruling SB 44402 to Joshua Marks ("MARKS") wherein MARKS was "prohibited from participating in any activity regulated by the ORC (indefinitely)." The Ruling was issued pursuant to Rules 1.09 and 3.10 of the Rules of Standardbred Racing. The reasons for the Ruling were as follows: "in accordance with Findings and Order M0 437-2010 issued by the New York State Racing and Wagering Board, Division of Harness Racing against Joshua R. Marks, July 5, 2011."

On September 16, 2011, MARKS filed his Notice of Appeal, without reasons, with the Ontario Racing Commission ("ORC").

On September 19, 2011, Larry Todd, counsel on behalf of MARKS ("Todd"), submitted a Notice of Appeal with particulars.

On November 3, 2011, a Notice of Hearing was issued to advise that a Panel of the ORC would be convening on December 8, 2011 for the purpose of hearing the Appeal.

On November 16, 2011, Todd sought an adjournment of the matter.

On January 11, 2012, a Notice of Hearing was issued to advise that a Panel of the ORC would be convening on March 21, 2012 for the purpose of hearing the Appeal.

On February 14, 2012, Todd notified Jennifer Friedman, counsel on behalf of the Administration of the ORC ("Friedman"), that MARKS wished to withdraw his appeal

On March 9, 2012, Todd confirmed with Friedman that MARKS agreed to pay costs for the withdrawal of the appeal in the amount of \$650.

On March 15, 2011, a Panel of the ORC comprised of Chair Rod Seiling was convened for the purpose of a teleconference to formally hear the withdrawal of the appeal.

Todd participated on behalf of MARKS. Friedman participated on behalf of the Administration of the ORC.

Upon hearing the submissions of counsel, the Panel:

- i) accepted the withdrawal of the appeal by MARKS; and
- ii) ordered payment of costs in the amount of \$650 to be payable by MARKS to the ORC forthwith, in accordance with ORC Policy Directive 3-2010.

DATED at Toronto this 16th day of March 2012.

BY ORDER OF THE COMMISSION


John L. Blakney
Executive Director