



COMMISSION HEARING

TORONTO, ONTARIO – JANUARY 12, 2011

**IN THE MATTER OF THE RACING COMMISSION ACT S.O. 2000, c.20;
AND IN THE MATTER IN THE APPEAL AND REQUEST FOR HEARING OF
STANDARDBRED LICENSEE CHAD MILNER**

On November 2, 2010, the Judges placed the horse "WINDSUN GALAXIE" from 2nd to 6th for violation of Standardbred Rule 22.27 (c) – did fail to continuously lose ground while off stride during the stretch drive of race 6 at Kawartha Downs on November 2, 2010.

On November 2, 2010, Chad Milner (Milner) filed a Notice of Appeal, pursuant to Rule 24.01(b) of the Rules of Standardbred Racing.

On January 12, 2011, a Panel of the Ontario Racing Commission (ORC) comprised of Commissioner Brenda Walker, convened for the purpose of hearing this matter.

Rick Rier appeared on behalf of the Administration of the ORC. Milner appeared in person and was represented by Randy Bennett.

After reviewing the evidence, hearing the testimony of Judge Al Caughey and driver Paul MacDonnell, and upon considering the closing submissions, the Panel dismissed the appeal and upheld the decision of the Judges.

The Panel's Reasons for Decision is attached to this Ruling.

DATED at Toronto this 14th day of January 2011.

BY ORDER OF THE COMMISSION


John L. Blakney
Executive Director



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REASONS FOR DECISION

Chad Milner (Milner) appealed the placing of WINDSUN GALAXIE from 2nd to 6th in the 6th race at Kawartha Downs on November 2, 2010.

Milner appeared in person and was represented by Randy Bennett. Rick Rier appeared for the Ontario Racing Commission.

Evidence was given by Judge Al Caughey and Driver Paul MacDonnell.

After hearing the testimony and reviewing the films the appeal has been disallowed.

Reasons for decision

Rule 22.27 (c) continuously loses ground while on a break.

WINDSUN GALAXIE was approximately 2 lengths off the eventual winner, LEXIS NOAH when making a break. WINDSUN GALAXIE continued to run approximately 12-15 strides; during that time and never caught up to the eventual winner nor did any of the horses following him catch or pass him. The question that needs to be answered is:

Did WINDSUN GALAXIE continuously lose ground?

Judge Caughey, one of the Judges that night, stated that he may have lost ground towards the wire but not when he first made the break. Horses are prone to actually gain the first few strides then lose some ground towards the finish as in the case of WINDSUN GALAXIE.

Reviewing the tapes show that WINDSUN GALAXIE was gaining on LEXIS NOAH, made the break in stride and was properly pulled to the outside by driver Paul MacDonnell out of the way of the other horses as much as possible and continued to run the latter part of the stretch. The following horses were not able to catch or overtake the breaking horse. WINDSUN GALAXIE continued to run at the same speed throughout the stretch.

For these reasons, I agree with the Judges' interpretation of the rule and disallow the appeal.

The placing from 2nd to 6th remains.

DATED this 14th day of January 2011.

Brenda Walker
Commissioner