



COMMISSION HEARING

TORONTO, ONTARIO – NOVEMBER 9, 2011

**IN THE MATTER OF THE RACING COMMISSION ACT S.O. 2000, c.20;
AND IN THE MATTER OF THE APPEAL AND REQUEST FOR HEARING BY
STANDARD BRED LICENSEE RANDY WAPLES**

On October 15, 2011, the Judges issued Official Ruling SB 43349 wherein Randy Waples ("WAPLES") was given a ten-day driving suspension for changing course and causing an accident while driving the horse "Daddy Mac" during the running of the sixth race at Woodbine Racetrack on October 8, 2011. "Daddy Mac" finished in 5th position and was placed 6th and disqualified.

On October 15, 2011, WAPLES filed a Notice of Appeal, pursuant to Rule 24.01 (b) of the Rules of Standardbred Racing.

On November 9, 2011, a Panel of the Ontario Racing Commission ("ORC"), comprised of Commissioner John Macdonald, convened to hear the withdrawal of the Appeal by WAPLES.

Brian Newton appeared on behalf of the Administration for the ORC. WAPLES attended the hearing in person and was self represented.

Upon hearing the submissions by the Administration, Senior Judge Craig Walker and Driver WAPLES, the appeal was withdrawn without cost. WAPLES will now serve his ten-day driving suspension November 13 through November 22, 2011, inclusive.

A transcript of the Panel's Oral Reasons for Decision is attached to this Ruling.

Dated at Toronto, Ontario this 16th day of November 2011.

BY ORDER OF THE COMMISSION


John L. Blakney
Executive Director

ONTARIO RACING COMMISSION

STANDARD BRED HEARING

IN THE MATTER OF AN APPEAL AND REQUEST FOR HEARING OF

RANDY WAPLES

Held Before:

John Macdonald, Commissioner

These are an excerpt of the two proceedings in the above mentioned matter held before The Ontario Racing Commission, Re: **RANDY WAPLES**, taken before Toronto Court Reporters, Suite 1410, 65 Queen Street West, Toronto, Ontario, at 10 Carlson Court, Suite 400, Toronto, Ontario, on the 9th day of November, 2011.

Appearances:

Brian Newton,

agent for the Ontario Racing
Commission Administration

1 MR. CHAIRMAN: Now, Mr. Waples, we have another case where you were
2 involved and this is one where there is an accident at Woodbine with a horse you
3 were driving so if you care to proceed on the same basis. You are going to act for
4 yourself again?

5 MR. WAPLES: Yes.

6 MR. CHAIRMAN: And Mr. Newton, we can save a little time. This is also
7 under the Racing Commission Act and the rules here as a result of an accident in the
8 6th race at Woodbine on October the 8th. Mr. Waples was driving the number 7
9 horse DANDY MACK I believe and the horse finished 5th and placed 6th and was
10 disqualified and there was an accident resulting in a 10 day suspension from the
11 Judges and we will introduce the disclosure book as Exhibit number 1.

12 MR. NEWTON: I think you explained it well, Mr. Macdonald and just to save
13 time I will just mention that Mr. Waples would like to speak about this matter before
14 we go any further so we will just allow Mr. Waples to go ahead if you don't mind.

15 MR. CHAIRMAN: Fine.

16 MR. WAPLES: In this case here I was coming out of a hole and I touched
17 another horse's leg which caused the chain reaction of the following horses to go
18 down. I would like to drop the appeal and plead guilty and take the ten days. The
19 reason that I didn't take the ten days to begin with was that it would have fell into the
20 Breeder's Crown and the super final. My first inclination was just to take the ten days
21 but then after talking to some of the trainers that I was driving for it didn't seem fair to
22 them to have a guy like Rod Hughes try and find a driver for SANDPAIL that had
23 never had any other driver and at the time too with those bigger races sometimes the
24 driver that you want already has a drive in there. So I want to take the suspension as

1 soon as possible. The reason that I appealed it like I did was I didn't want to bring the
2 trainers of these other horses into my problem.

3 MR. CHAIRMAN: Thank you, Mr. Waples but I have seen the video and I'd
4 like to see it again with some explanation. Your appeal was based on the severity of
5 the penalty.

6 MR. WAPLES: Um hum.

7 MR. MACDONALD: And while it was a bad accident I'd need a little help from
8 the Judges to understand it because it looks like you were not the only one that was
9 involved in the possible cause of this accident and then I need a little help on whether
10 the ten days was an appropriate number. So I mean we can do this by argument.
11 You may or may not have any comments on that. I appreciate your honesty in saying
12 okay, you were driving a great horse shortly after that in the Breeder's Crown race
13 and unfortunately that's normally done by way of asking the Administration for a stay
14 of the penalties until the matter is dealt with. I know that this is a little different but I
15 would like to have some indication as to the reason for the ten days and some way to
16 help me to understand. I did look at it I know you were in the middle of the pack and
17 it's a little hard to see it from the video that I looked at. If you wouldn't mind, I'm not
18 sure if the ten days is the appropriate number. I should also say at the same time
19 that when there is an appeal and it is not proceeded with the panel has the
20 opportunity and in fact has an obligation some time to consider the appeal to have
21 been somewhat frivolous if there is not a valid reason. When I saw your notice of
22 appeal it said severity of penalty and I understood that and so I'd like to follow that
23 and see whether ten days is the appropriate number. I know you are prepared to
24 accept that and I'll go for that but I'm not sure that that is the right number. It is
25 somewhat possibly arbitrary from my point of view and I'd like some help from the

1 Administration as to how they arrived at the ten days. Thank you. You could sit
2 down.

3 MR. WAPLES: Should I sit down?

4 MR. CHAIRMAN: Thank you.

5 MR. NEWTON: If you would like, Mr. Macdonald, I could put the DVD in. We
6 have Mr. Walker here. He can answer any questions that you would ask towards
7 him. Is that all right?

8 MR. CHAIRMAN: Thank you.

9 MR. WALKER: Can I just make a statement?

10 MR. CHAIRMAN: Yes.

11 MR. WALKER: I'd like to make a statement.

12 MR. CHAIRMAN: Your first name is Craig?

13 MR. WALKER: Craig, C-r-a-i-g Walker, W-a-l-k-e-r. I was the presiding
14 Judge of the three Judge panel that was officiating the unfortunate evening that this
15 accident occurred. Mr. Waples came in for his hearing with the Judges and explained
16 right from the outset that he was going to take whatever penalty that we were going to
17 give him. Due to the fact that we had the Breeder's Crown coming up and Mr.
18 Waples is the regular driver on the horse SANDPAIL he asked us if we could delay
19 starting the days until after the super finals which is this Saturday. So he asked if we
20 could start his days this Sunday. Unfortunately it is our policy that we start any
21 suspension the day after that the driver is drawn in to drive. So for example, the draw
22 at Woodbine is already done up until Saturday so Mr. Waples would be programmed
23 to drive horses on Saturday. He is entitled to drive those horses on Saturday and
24 then he could begin the suspension the next day. We explained to him that because
25 it was still a month away that we were unable to wait that long and begin his

1 suspension afterwards so he then indicated that he would appeal on the grounds of
2 severity of penalty, to which we did not have a problem with. The fact that he would
3 miss the drive on SANDPAIL factored into his reasoning because of the severity of
4 the penalty. At a time when we are looking for good news stories in our industry we
5 didn't have a problem with Mr. Waples going that route. SANDPAIL is a feel good
6 story, something that we need in our industry at this time and to deny Mr. Waples to
7 be a part of that story racing in the Breeder's Crown we didn't have a problem with
8 him filing an appeal on the grounds of severity of penalty. Now in regards to how we
9 came up with the ten days, normally the Judges in the case of accidents will begin at
10 a ten day penalty. I can tell you that we referenced a case involving Mr. Ronald
11 Pearce that happened a few years back at Mohawk where Mr. Pearce was also
12 involved in a race and there was an accident in the race. He was found to be at fault
13 and he also received a ten day driving suspension.

14 MR. CHAIRMAN: That's in the disclosure book. There is no description of
15 that accident.

16 MR. WALKER: I believe it is just a copy of Mr. Pearce's ruling.

17 MR. CHAIRMAN: Correct. Thank you for the explanation.

18 MR. NEWTON: Would you like to still go ahead and see the film?

19 MR. CHAIRMAN: If Mr. Waples is content with the ten days I'll just leave it at
20 that. Mr. Walker has explained the Judges' reasoning. Mr. Waples, are you content
21 with the ten days?

22 MR. WAPLES: Yes, sir. I deserve it, yes.

23 MR. CHAIRMAN: Okay.

24 MR. NEWTON: Then the Administration has nothing further.

25 MR. CHAIRMAN: And we work out the days with --

1 MR. NEWTON: Yes, absolutely. Mr. Walker will.

2 MR. WALKER: If it is agreeable with Mr. Waples we can start the days on this
3 coming Sunday.

4 MR. WAPLES: That's fine with me.

5 MR. CHAIRMAN: After the super finals.

6 MR. WALKER: Correct. He is already --

7 MR. CHAIRMAN: He's already in.

8 MR. WALKER: Those races are already drawn so according to the rules he is
9 entitled to drive in those races.

10 MR. CHAIRMAN: I understand. Good luck in those. I'll be there.

11 MR. WAPLES: Thank you.

12 MR. CHAIRMAN: The appeal is therefore denied as having been in fact
13 withdrawn in effect. Thank you. This matter is terminated.

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18 CERTIFIED CORRECT _____
19 RAYMOND P. MACDONALD, B.A., CVR
20 Commissioner of Oaths
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