



COMMISSION HEARING

TORONTO, ONTARIO –SEPTEMBER 5, 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  
THOROUGHBRED LICENSEE DONALD RANKIN JR.**

Donald Rankin Jr. ("RANKIN") appealed against Standardbred Official Ruling No. SB 45311 wherein he was fined \$1,500 and subject to a 60-day full suspension for violating Rules 22.38.06, 23.38(a), 26.02.01, 26.02.02 and 26.02.03(d) of the Rules of Standardbred Racing as a consequence of a TCO<sub>2</sub> confirmation for the horse, "MYTHIC ART". TCO<sub>2</sub> is considered a class II drug. RANKIN also appealed against Standardbred Official Ruling No. 45312 wherein, pursuant to Policy Directive No. 3-2008, conditions are to be placed on RANKIN'S licence upon reinstatement for a two-year period.

On July 23, 2012, RANKIN filed a Notice of Appeal on the following grounds: "severity of penalty considering record". RANKIN did not request a stay.

On August 8, 2012, a Notice of Hearing was issued to inform the parties that a Panel of the ORC would be convening on September 5, 2012, for the purpose of hearing RANKIN'S appeal.

On September 5, 2012, a Panel of the Ontario Racing Commission ("ORC") consisting of Commissioners John Macdonald, Dan Nixon, and Brenda Walker was convened to hear this matter.

RANKIN represented himself. Jennifer Friedman appeared as counsel for the Administration of the ORC.

Upon considering the Agreed Statement of Facts and exhibits filed, hearing the testimony of ORC Judge Wes Coke, and the submissions of RANKIN and counsel for the Administration of the ORC, the Panel varied the penalty as follows:

- 1) The remaining 16 days of the 60-day suspension shall be stayed.
- 2) Should RANKIN engage in any drug offence involving the *Racing Commission Act* over the next two years, the stay will automatically expire and the 16 days shall be applied to any subsequent penalty.
- 3) The fine of \$1,500 is confirmed.
- 4) The two-year probation is confirmed. The two-year probation shall begin immediately.

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

Dated at Toronto, Ontario this 11<sup>th</sup> day of September 2012.

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 **DONALD RANKIN JR.**

Held Before:

John Macdonald, Commissioner

Dan Nixon, Commissioner

Brenda Walker, Commissioner

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These are an excerpt of the proceedings in the above mentioned matter held before The Ontario Racing Commission, Re: **DONALD RANKIN JR.**, taken before Toronto Court Reporters, Suite 1410, 65 Queen Street West, Toronto, Ontario, at 10 Carlson Court, Suite 400, Toronto, Ontario, on the 5th day of September, 2012.

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Appearances:

Jennifer Friedman,

for the Ontario Racing  
Commission Administration

1 Hearing continued ...

2 MR. NIXON: All rise.

3 MR. CHAIRMAN: Please be seated. We have carefully considered what has  
4 been presented to us today. We are aware of Mr. Rankin already having served 44  
5 days of his suspension and we are aware of the difficulty because Mr. Rankin is an  
6 owner, trainer and driver and as Mr. Coke pointed out there is no easy way to  
7 separate those three because it is his choice to serve in all those particular positions.  
8 So when the horse is suspended then the trainer is also suspended because of the  
9 offence for any kind of drug violation. We do consider the TCO2 matters as very  
10 serious. We will refer to that after but the 44 days, what we are going to is stay the  
11 rest of the suspension time, the sixteen days. That does not affect the horse. The  
12 horse is still suspended for the full 90 days. We found that the aggravating factor of  
13 the number of violations, the previous two, while serious in their own right it was not  
14 such that we were concerned that this particular appellant was going to cause any  
15 problem. Both of those offenses related to the one drug phenylbutazone and the  
16 injectable were some time ago. We have taken that into consideration. We have  
17 also considered the fact that Mr. Rankin has been very cooperative. He has  
18 accepted the responsibility as a good citizen and while there was an offence we don't  
19 consider that the aggravating factors are such - we think the 44 days is still an  
20 indication that we would consider any violation suggesting TCO2 is a serious matter  
21 and counsel has referred to the two cases in the factum tab 2 where it is quite clearly  
22 pointed out by the Chair there that the penalty is levied to act as a deterrent and you  
23 went on, counsel, to read the rest of that. We still consider that to be a deterrent. We  
24 think the 44 days in these circumstances is an indication that we do consider it  
25 serious. We will also allow the probation two year period to continue from the date of

1 the infraction and that, for ease of reference, is found at tab 11 page 27 where the  
2 references are made to that probation period. Now while we stayed the sixteen days,  
3 if there is a violation of any drug offence involving the Ontario Racing Commission Act  
4 that sixteen days that have been stayed will be added to whatever penalty if  
5 something happens over the next two years. As I said, the probation will continue  
6 and we do appreciate Mr. Rankin having been very forthright with us and we are also  
7 aware of the industry problems as far as where you can get your horses in to qualify  
8 and race and that's not very easy in the area where you are now working. Anything  
9 further to add?

10 MS. WALKER: No.

11 MR. NIXON: No.

12 MR. CHAIRMAN: This matter is terminated unless either of you have any  
13 questions?

14 MS. FRIEDMAN: Just one question. The fine remains the same?

15 MR. CHAIRMAN: The fine remains the same.

16 MR. WALKER: Do you have any questions?

17 MR. RANKIN: I'd just like to thank the Board for its consideration in this  
18 matter. and I also thank you very much for putting up with my ignorance of your  
19 procedures.

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CERTIFIED CORRECT: \_\_\_\_\_  
RAYMOND P. MACDONALD, B.A., CVR  
Commissioner of Oaths