



COMMISSION HEARING

TORONTO, ONTARIO – SEPTEMBER 13, 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
STANDARDBRED LICENSEE DICK BURKE**

Standardbred Licensee Dick Burke (“Burke”), appealed Ruling SB 42588 dated July 27, 2011, wherein he was suspended for 120 days (August 7, 2011 to December 4, 2011), and fined the sum of \$1,500 for violation of Rules 9.09(a), 26.02.01, 26.02.02 and 26.02.03(c) of the Rules of Standardbred Racing, as a result of a positive test for the drug Fenoterol (Class III), taken from the horse “Greek Shark”, trained by Burke, which finished 2nd in the 5th race on June 24, 2011, at Grand River.

The appeal was heard on September 13, 2011, by a Panel of the Ontario Racing Commission consisting of Chair Rod Seiling.

Angela Holland appeared as counsel for the Administration. Burke appeared in person and was self-represented.

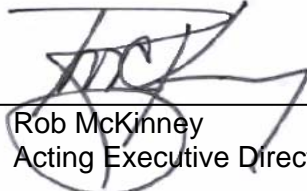
Upon hearing the testimony of Craig Walker and Lindsay Jones, upon reviewing the exhibits filed, and upon hearing the submissions of counsel for the Administration, and of Burke, the Panel dismissed the appeal.

The Panel also ordered the Administration to investigate the alleged statement of Dr. Goodrow with respect to his treatment of Greek Shark.

The Transcript of the Panel’s oral Reasons for Decision is attached to this Ruling.

DATED at Toronto this 20th day of September 2011.

BY ORDER OF THE COMMISSION


Rob McKinney
Acting Executive Director

ONTARIO RACING COMMISSION

STANDARD BRED HEARING

IN THE MATTER OF THE APPEAL AND REQUEST FOR HEARING OF

DICK BURKE

Held Before:

Rod Seiling, Chairman

These are an excerpt of the proceedings in the above mentioned matter held before The Ontario Racing Commission, Re: **DICK BURKE**, taken before Toronto Court Reporters, Suite 1410, 65 Queen Street West, Toronto, Ontario, at 10 Carlson Court, Suite 400, Toronto, Ontario, on the 13th day of September, 2011.

Appearances:

Angela Holland,

for the Ontario Racing
Commission Administration

1 Hearing continued ...

2 MR. CHAIRMAN: This one unfortunately is pretty
3 easy. After listening to the testimony and looking at the
4 documentation the appeal is denied. The appellant did not offer
5 any new evidence or demonstrate the Judges applied the Rules of
6 Racing incorrectly and in fact, one might say, given the mitigating
7 factors, they were lenient. I am also going to ask the ORC
8 officials and Administration to look into the alleged comments by
9 Dr. Goodrow that he did just tell them that you don't need a
10 statement and I'd like to go back and look at the transcript
11 because I don't want to paraphrase but I know that the court
12 reporter will have that but there is an allegation that, as I
13 understand it, he did treat the horse and just couldn't give him a
14 document for the prescription. Somewhere along there something
15 isn't the way it should be and we need to come to the bottom of it.

16 MS. HOLLAND: Just to confirm, sir, what you
17 would like us to do. You would like us to check into whether or not
18 Dr. Goodrow said that he wouldn't give a statement with respect to
19 GREEK SHARK?

20 MR. CHAIRMAN: We have the testimony of Mr.
21 Burke that the horse was not examined by a vet. Then he comes
22 along today and says the horse was examined by Dr. Goodrow
23 but he couldn't give anything because he is away and just tell
24 them I looked at the horse. Well, either he was or he wasn't and
25 there should be documentation to confirm and I'm very concerned

1 that a licensed veterinarian would tell Mr. Burke that knowing that
2 anything to come to this Commission for a hearing would have to
3 be in a documented form. So let's get to the bottom of it. Thank
4 you.

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