



COMMISSION HEARING

TORONTO, ONTARIO – NOVEMBER 19, 2009

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
STANDBRED LICENSEE ALLAN GARTH CULLEN**

Allan Garth Cullen ("Cullen"), of Windsor Ontario, is licensed by the Ontario Racing Commission ("ORC"), as a driver/trainer/owner for standardbred racehorses, Licence Number H40256.

On October 20, 2009, a follow-up test saliva sample taken from Cullen at Windsor Raceway, resulted in a positive, in violation of Rule 36.08 (c) (i) of the Rules of Standardbred Racing, (first offence).

On October 30, 2009, Standardbred Ruling 176/2009 was issued against Cullen.

The penalty imposed was as follows:

- i. a \$500 fine, and
- ii. a suspension of 15 days.

Further, on November 5, 2009, Standardbred Ruling Number 177/2009 was issued against Cullen for violation of both:

- i. a Probation Order contained within amended Ruling Number COM SB 015/2008, dated May 12, 2008 at Toronto Ontario, and
- ii. a Post-Violation Agreement between Cullen and the ORC dated October 4, 2009 at Windsor Ontario.

The sanctions imposed against Cullen in this ruling were as follows:

- i. a suspension of licence, and
- ii. a referral to the Commission.

On November 6, 2009, Cullen applied for a hearing to be reinstated.

On November 19, 2009, a Panel of the ORC, consisting of Chair Rod Seiling, was convened to hear the matter.

Cullen appeared in person at the hearing. Cullen was self-represented. Anthony Williams appeared as counsel for the Administration.

Upon reading the exhibits filed and upon hearing the evidence of witness, Dr. Iris Greenwald, MD., Medical Review Officer, called by the Administration, and upon hearing the submissions of Cullen, Pauline Stanczuk and counsel for the Administration, the Panel ordered as follows:

- i. \$2,000 fine;
- ii. six-month suspension;
- iii. Cullen must enroll in a substance abuse program approved by both the ORC and Driver Check;



- iv. Cullen will not be eligible for licensing until a substance abuse representative appears before the Panel and assures that Cullen:
 - a. has provided a negative return to duty test;
 - b. has undergone a complete addiction assessment;
 - c. has followed through on the recommended substance abuse plan;
 - d. has provided proof of ongoing substance abstinence;
 - e. has signed a declaration that any and all prescriptions must be disclosed both to the ORC and the substance abuse professional;
 - f. has agreed to utilize one medical and one dental professional from whom he may receive scripts, except in the case of an emergency;
 - g. may only use prescription medications that have been scripted in the past 365 days of being written.
- v. Cullen will be subject to random drug testing, at his cost, at any time.
- vi. Upon reinstatement of his licence, Cullen must sign a Post-Violation Agreement.
- vii. Upon signing the Agreement, Cullen will be placed on probation for two years. While on probation, Cullen must:
 - a. keep the peace and be of good behaviour.
 - b. commit no further violations of the ORC Alcohol and Drug offences – Human provisions as set out in Chapter 36 of the Rules of Standardbred Racing.
- viii. Any violation of the:
 - (i) Order of the Commission
 - (ii) The Post-Violation Agreement, or
 - (iii) The Order of Probation;will result in an automatic suspension of two years.

The Panel's oral Reasons for Decision form part of the transcript of the Hearing and is attached to this Ruling.

DATED this 24th day of November 2009.

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 **ALLAN GARTH CULLEN**,
OWNER/DRIVER/TRAINER FOR STANDARD BRED RACE
HORSES

Held Before:

Rod Seiling, Chairman

These are an excerpt of the proceedings in the above
mentioned matter held before The Ontario Racing Commission,
Re: **ALLAN GARTH CULLEN**, taken before Toronto Court
Reporters, Suite 1410, 65 Queen Street West, Toronto, Ontario, at
10 Carlson Court, Suite 400, Toronto, Ontario, on the 19th day of
November 2009.

Appearances:

Anthony Williams,

for the Ontario Racing
Commission Administration

TORONTO COURT REPORTERS - TORONTO, ONTARIO

1 Hearing continued ...

2 MR. CHAIRMAN: All rise. Please be seated. After
3 hearing Ms. Stanyschuk I have decided to render an oral decision.
4 After carefully reviewing the testimony and the evidence and the
5 documents the panel rules as follows. Mr. Cullen is suspended for
6 six months and fined \$2,000.00. He must enrol in an approved
7 substance abuse program. Approval must come from both the
8 Ontario Racing Commission officials and Driver Check and will not
9 be eligible for licensing until the substance abuse representative
10 appears before a panel of this Commission and assures Mr.
11 Cullen as 1) provided a negative return to duty test; 2) has
12 undergone a complete addiction assessment; 3) followed through
13 on the recommended substance abuse plan; 4) provided proof of
14 on going substance abstinence; 5) signs a declaration of any and
15 all prescriptions received must be disclosed forthwith to both the
16 Ontario Racing Commission and the substance abuse
17 professional; 6) must agree to utilize one medical and one dental
18 professional and also scripts may only come from those identified
19 professionals; 7) may only use prescription medications that have
20 been scripted in the past 365 days of being written; 8) Mr. Cullen
21 will be subject to random drug testing at his cost at any time; 9)
22 Mr. Cullen on being relicensed must sign a post violation
23 agreement. He will be on probation for two years from that point
24 on. On being licensed he must keep the peace and be of good

behaviour. There must be no further violation of the Commission's drug and alcohol policies as set out in section 36 of Standardbred Racing. Any violation of the Commission's order, the post violation agreement or the probation will lead to an automatic suspension of two years. That's the ruling.

MR. WILLIAMS: Thank you.

CERTIFIED CORRECT: _____
RAYMOND P. MACDONALD, B.A., CVR

Commissioner of Oaths