



**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
STANARDBRED LICENSEE BLAKE TROY CURRAN**

Blake Troy Curran (“Curran”), is licensed by the Ontario Racing Commission (“ORC”), as an Owner/Trainer/Driver for Standardbred racehorses, licence number P02654.

On March 23, 2009, a Notice of Proposed Order to Suspend Licence was issued to Curran, pursuant to Section 22 of the Racing Commission Act.

On June 10, 2010, a Panel of the Ontario Racing Commission (“ORC”), consisting of Commission Member John Macdonald as Chair, Commissioner David Gorman and Commissioner Dan Nixon, was convened to hear this matter. Curran appeared in person at his Hearing. Curran was represented by Larry Todd as counsel.

Anthony Williams appeared as counsel for the Administration of the ORC.

Background – Investigation of Rogers

Fred Rogers (“Rogers”), now deceased, was a former Trainer, licensed by the ORC. The Ministry of Agriculture, Food and Rural Affairs (“OMAFRA”), granted a licence to Rogers to sell livestock medicine, pursuant to the Livestock Medicines Act.

This licence permitted Rogers to sell drugs for the treatment and care of ‘livestock’.

In the summer of 2004, an investigation began into the alleged involvement of Rogers in the illegal sale and distribution of drugs.

It was revealed that Rogers sold controlled drugs, scheduled drugs, unapproved drugs and unlabelled drugs to participants in the horse racing industry.

On July 28, 2004, search warrants under the Controlled Drugs and Substances Act and the Criminal Code of Canada, were executed upon the dwelling-house of Rogers, by the Investigations Unit of the ORC.

Invoices were found which revealed the sale by Rogers of drugs controlled under both the Food and Drugs Act and the Controlled Drugs and Substances Act.

The invoices revealed the names of the customers of Rogers. An invoice was located which showed Curran as a purchaser of a variety of therapeutic substances from Rogers.

On February 16, 2006, Curran told an investigator that he had been a customer of Rogers “off and on over a four-year period.” Curran said that he had purchased a variety of therapeutic substances from Rogers, which included the following:



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- (i) Hippiroon
and
- (ii) Bute (also known as phenylbutazone)

Curran did not provide prescriptions for any of the substances purchased from Rogers.

Phenylbutazone is a substance which is controlled by the Food and Drugs Act and by the Controlled Drugs and Substances Act.

Background – Investigation of DiFlorio

Santino (Sandy), DiFlorio (“DiFlorio”), was licensed as an Owner by the ORC. The licence of DiFlorio expired on September 13, 1997.

This licence was not renewed. DiFlorio distributed drugs and medications to participants in the horse racing industry through his website at www.preracespecialist.com.

Sheila DiFlorio (“Sheila”), wife of DiFlorio, was licensed as an Owner by the ORC. On March 29, 2005, the licence of Sheila expired.

On April 18, 2006, search warrants were executed upon both the dwelling-house and the business of DiFlorio, by the Investigations Unit of the ORC. During the search of the business an analysis of the DiFlorio computer was conducted. Two shipping bills were found which revealed sales to Curran.

On July 6, 2006, Curran told investigators that he had been a customer of DiFlorio for “3 years”. Curran said that he had purchased a variety of therapeutic substances from DiFlorio which included the following:

- i) Baycox
- ii) Hydrocortisone
and
- iii) ATP (also known as Adenosine Tri Phosphate)

Curran did not provide prescriptions for any of the substances purchased from DiFlorio.

Baycox, Hydrocortisone and Adenosine Tri Phosphate are substances which are controlled by the Food and Drugs Act and The Controlled Drugs and Substances Act.

The purchases by Curran from both Rogers and DiFlorio put Curran in violation of Rule 6.46.01 (b), of the Rules of Standardbred Racing, in that he was in possession of a drug, substance or medication -

“which has not been labelled for veterinary use under the Food and Drug Regulations or, if labelled for human use under the Food and Drug Regulations, has not been prescribed by a veterinarian after conducting an examination of the horse and determining that the drug, substance or medication is medically required by the horse and the drug, substance or



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medication is used only for that horse in accordance with the prescription issued by the veterinarian.”

A review by counsel for the Administration of the admissible evidence in the matter of the original March 23, 2009 Notice of Proposed Order to suspend the licenses of Curran has led the Administration to request that the Notice of Proposed Order be rescinded and set aside.

Upon a review of the remaining evidence against Curran and upon hearing the admissions by counsel on behalf of Curran, and upon hearing the joint submissions by both counsel as to penalty and upon a review of similar penalties imposed upon similar offenders for similar offences committed in similar circumstances, the Panel orders as follows:

- (i) a fine of one thousand dollars
and
- (ii) probation for a period of one year

In the event of any further violation of Rule 6.46.01 by Curran during this period of probation, an immediate suspension of the licence of Curran shall apply for the remaining period of probation that would have been served had the subsequent violation not occurred, pursuant to Rule 6.04 of the Rules of Standardbred Racing.

The Notice of Proposed Order against Curran, dated March 23, 2009, is rescinded and set aside.

DATED this 11th day of June 2010.

BY ORDER OF THE COMMISSION


John L. Blakney
Executive Director

ONTARIO RACING COMMISSION

IN THE MATTER OF THE ONTARIO RACING COMMISSION ACT, 2000,
S.O. 2000, c.20 and the RULES OF STANDARD BRED RACING

AND IN THE MATTER OF A NOTICE OF PROPOSED ORDER TO
SUSPEND THE LICENCE OF BLAKE CURRAN

Held Before:

John Macdonald, Chairman,
David Gorman,
Dan Nixon.

This is an excerpt of the proceedings in the above mentioned matter held before
The Ontario Racing Commission, taken before Toronto Court Reporters, Suite 1400, 65
Queen Street West, Toronto, Ontario, at 10 Carlson Court, Suite 400, Mississauga,
Ontario, on the 10th day of June, 2010.

Appearances:

Anthony Williams

for the Ontario Racing Commission
Administration

D. Larry Todd

for Blake Curran

Hearing Continued:

THE CHAIRMAN: I think the panel is satisfied with the form of the draft order and with the dates to be filled in reference to the matter and we so order.

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I hereby certify the foregoing to be a true and accurate transcript as taken by me to the best of my skill and ability.

Maureen D. Hopkinson, CVR-CM,
Commissioner of Oaths.

My certificate expires:
June 4, 2013.