



COMMISSION HEARING

TORONTO, ONTARIO – JUNE 10, 2010

**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 LICENSEES JODIE C. JAMIESON and JEFF GILLIS**

The annual William Wellwood Memorial Final, 2 year old open, one-mile trot, for standardbred race horses, with a purse of \$515,000, was held as race 8 on Sunday, September 20, 2009, at Mohawk Racetrack at Campbellville, Ontario.

Ten horses competed in this race.

Newport Volo, horse 1, was driven by Jody Jamieson ("Jamieson"), ORC licence R77736, trained and owned by Jeffrey Gillis, ORC licence R94897.

Temple of Doom, horse 7, driven by Dave Miller, ORC licence 8342P5, was trained by Jonas Czernyson, ORC licence 815F13 and owned by Robert Rosenheim Stables Limited, ORC licence 157G501, of Sharon Connecticut.

During the stretch drive, Newport Volo broke from its gait, from trot to pace.

Newport Volo continued to pace, for approximately five to seven strides, to the finish line.

Newport Volo did not continuously lose ground while on the break, as required by Rule 22.27 (c) of the Rules of Standardbred Racing.

The original order of finish was:

Il Villaggio, first;
Newport Volo, second
Temple of Doom, third

The panel of track Judges for the race was as follows:

Jeff Minler, Senior Standardbred Judge
Tom Miller, Associate Standardbred Judge
Chuck Fraleigh, Associate Standardbred Judge

From their viewing stand, the Track Judges observed the break from the trot to pace by Newport Volo in the stretch drive. It also appeared that Newport Volo was not pulled to the trot gait by the finish line and further that Newport Volo may not have continuously lost ground while on the break.

The Judges lit the INQUIRY sign.

On Monday, September 21, 2009, following a Hearing for Jody Jamieson, driver, and Jeffrey Gillis, trainer and part owner of Newport Volo, the track Judges issued a unanimous Ruling, SB 41343, for violation of ORC Rule 22.27 (c) of the Rules of Standardbred Racing as follows:



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“The Judges did place the horse ‘Newport Volo’ from 2nd to 3rd for failing to continuously lose ground when off stride in race #8 at Mohawk on September 20, 2009.”

On Monday, September 21, 2009, Jody Jamieson and Jeffrey Gillis filed a Notice of Appeal against this Ruling.

On Wednesday, September 23, 2009 the placing of the horse Newport Volo was stayed “until this appeal is heard”.

As an interim measure, third place monies of \$61,800 each, have been released to the owners of Newport Volo and Temple of Doom.

A Hearing will, inter alia, determine the distribution of the remnant of the second place purse monies of \$66,950.

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.

Jody C. Jamieson appeared in person. Jody C. Jamieson and Jeffrey Gillis were represented by Jean Marc MacKenzie as counsel.

Robert Rosenheim was represented by D. Larry Todd as counsel.

The Administration of the ORC was represented by Anthony Williams as counsel.

Following a review of the exhibits filed and after hearing the evidence of Jeff Minler, Acting Senior Standardbred Judge, Thomas Peter Miller, Associate Standardbred Judge and Jody C. Jamieson, driver, and after hearing submissions of the three counsel, the Panel ordered as follows:

- (i) the appeal by Jamieson and Gillis is dismissed;
- (ii) the placing of Newport Volvo by the Judges from 2nd to 3rd is upheld;
- (iii) the remnant of the purse monies (\$66,950) is to be distributed to Robert Rosenheim Stables Limited.

A transcript with the Panel’s Reasons for Decision is attached to this Ruling.

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 APPEAL AND REQUEST FOR HEARING OF
JODIE JAMIESON and JEFF GILLIS

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

John Marc MacKenzie

for Jamieson and Gillis

D. Larry Todd

for Robert Rosenheim Stables Ltd.

1 Hearing Continued:

2 THE CHAIRMAN: We considered the evidence of the judges and Mr. Jamieson.

3 We certainly had a full opportunity to view the video of the races and we
4 can see from our position that everyone is in agreement that the horse
5 Newport Volo did pace prior to the wire. It was close, whether or not at the
6 wire he was pacing or not pacing but however it would appear that he was
7 and that is considered a break as this was a trotting race. We also
8 understand that Mr. Jamieson really had no time to respond. He made
9 some efforts when he knew the horse was going a little rough, tapping the
10 tail to try and keep the horse's attention to what was happening.
11 Understandably he wouldn't have known whether he was pacing or trotting
12 without having the opportunity to see the videos which we've had the
13 opportunity. It would also appear to us that under the rule 22.27(c) that
14 there's a requirement to lose ground on a break and this is an absolute
15 requirement as Mr. Todd pointed out. It's difficult especially since there
16 was little time to respond and make the necessary adjustment and if the
17 horse had continued to lose ground or had lost ground, it's very likely that it
18 would have been a lapped on break although that's not known for certain.
19 The short answer for us is that he didn't lose ground, whether it was back a
20 hundred and twenty feet, a hundred feet or, as Mr. Mackenzie said, it could
21 have happened even three feet from the wire which would make it very
22 difficult to lose ground and other rules may or may not apply. We're going
23 to deny the appeal, keep the placing as it is on the basis that the horse did
24 violate rule 22.27(c) and then the judges used their discretion for
25 placement. And in their discretion the horse could have been moved even
26 further back from one or two but placing the horse third after finishing

1 second was reasonable, in our view, since the other two horses appeared
2 not to be in contention in that race anywhere near the finish line.

3 MR. NIXON: I agree.

4 MR. GORMAN: I agree.

5 THE CHAIRMAN: Thank you, gentlemen.

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

12

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

16

17 My certificate expires:

18 June 4, 2013.