



COMMISSION HEARING

TORONTO, ONTARIO – SEPTEMBER 28, 2010

**IN THE MATTER OF THE RACING COMMISSION ACT, 2000, S.O. 2000, C.20
AND IN THE MATTER OF THE APPEAL AND REQUEST FOR HEARING
OF STANDARDBRED LICENSEE JOHN GOUVEIA**

On September 9, 2010, standardbred licensee John Gouveia ("GOUVEIA") submitted a Notice of Appeal with respect to SB Ruling 42242 and SB Ruling 42243, wherein he was fined \$1,500 and suspended 60 days (October 12, 2010 – December 10, 2010) as a result of positive test for TCO₂, and suspended for 30 days (September 12, 2010 – October 11, 2010) as a result of a breach of probation, respectively.

On September 12, 2010, GOUVEIA provided written confirmation that he was withdrawing his appeal and that he would begin serving his suspension.

On September 12, 2010, GOUVEIA was provided with a Notice of Hearing.

On September 28, 2010, a Panel of the Ontario Racing Commission ("ORC") consisting of Chair Rod Seiling convened to hear the matter.

Angela Holland appeared as counsel for the Administration, and GOUVEIA attended the hearing and was self-represented.

At the Hearing GOUVEIA confirmed that he was withdrawing his appeal.

At the Hearing GOUVEIA also requested an installment plan with respect to the payment of his \$1,500 fine, and/or that he be allowed to race prior to payment of the fine and that any winnings go to the Commission until the fine is paid. The Panel denied GOUVEIA's requests.

The transcript with the Panel's Oral Decision is attached to this Ruling.

Dated at Toronto this 4th day of October, 2010.

BY ORDER OF THE COMMISSION


John L. Blakney
Executive Director

ONTARIO RACING COMMISSION

RE: STANDARD BRED HEARING

IN THE MATTER OF AN APPEAL AND REQUEST FOR HEARING OF

JOHN GOUVEIA;

Held Before:

Rod Seiling, Chairman

This is an excerpt of a Hearing of the Ontario Racing Commission re: **JOHN GOUVEIA**, taken before Toronto Court Reporters, Suite 1410, 65 Queen Street West, Toronto, Ontario, at 10 Carlson Court, Suite 400, Toronto, Ontario, on the 28th day of September, 2010.

Appearances:

Angela Holland,

counsel for the Ontario
Racing Commission
Administration

1 Hearing continued ...

2 MR. CHAIRMAN: Please be seated. Mr. Gouveia, after considering your
3 request I have some sympathy for you but I can't agree to your request. To create
4 that precedent we would have a line up here of every licensee who gets a penalty of
5 wanting to pay in instalments. Added to that problem we don't have the capacity to
6 start managing the payment system of who is paying when and have they missed a
7 payment have they not and it would be just unfortunate.

8 MR. GOUVEIA: Okay. I have another question for you, sir.

9 MR. CHAIRMAN: Please.

10 MR. GOUVEIA: I have another question, sir. Is it possible for you to let me
11 race when the time comes and the purse money will be yours?

12 MR. CHAIRMAN: No, you have to pay before you can. You have to pay the
13 fine before you can go back. Otherwise the precedent, sir, is just it would be
14 impossible for us to operate as a regulator. This has to be the same as any criminal
15 court, any civil court, you pay your fine when it becomes due and payable to get back
16 into business and as unfortunate as it may be but I can't do anything about it.

17 MR. GOUVEIA: Okay. Thank you, sir.

18 MR. CHAIRMAN: We are adjourned.

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21 CERTIFIED CORRECT: _____
22 RAYMOND P. MACDONALD, B.A., CVR
23 Commissioner of Oaths