



COMMISSION HEARING

TORONTO, ONTARIO – SEPTEMBER 22, 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 OF
STANDARD BRED LICENSEE KAREN HUDON**

Karen Hudon (“Hudon”) appealed against Standardbred Official Ruling SB 43735 wherein she was suspended for three days and her horse, Northern Senorita, was placed 6th on account of causing interference, contrary to Rule 22.05.01(a) of the Rules of Standardbred Racing.

On September 20, 2011, a Panel of the Ontario Racing Commission consisting of Commissioner David Gorman was convened to hear this matter.


Hudon appeared on her own behalf. Jennifer Friedman appeared as counsel for the Administration.

Upon hearing the testimony of ORC Senior Judge Mike Brown, Driver Kevin Wagler, and Hudon, reviewing the exhibits filed, and upon hearing the closing submissions, the Panel denied Hudon’s appeal.

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

DATED at Toronto this 23rd 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
KAREN HUDON

Held Before:

David Gorman, Commissioner

These are an excerpt of the proceedings in the above mentioned matter held before The Ontario Racing Commission, Re: **KAREN HUDON**, taken before Toronto Court Reporters, Suite 1410, 65 Queen Street West, Toronto, Ontario, at 10 Carlson Court, Suite 400, Toronto, Ontario, on the 20th day of September, 2011.

Appearances:

Jennifer Friedman,

for the Ontario Racing
Commission Administration

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Hearing continued ...

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MR. CHAIRMAN: All rise. Thank you. Please be seated.

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I will give you an oral decision. I understand that there is some

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time constraints. These cases are so difficult for those of us on

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various panels in here. It becomes a case of he said/she said and

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it is very difficult to sort that out because both of you appear to me

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to be very sincere in what you believe happened and in Ms.

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Hudon's case in particular you are very passionate about what you

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think happened. It is impossible for me to sort that out in here in

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the absence of a soundtrack. I didn't hear any contact. There is

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no sound that goes with these tapes so I don't know who is

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correct. One person is one hundred percent sure there was

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contact. The other person is one hundred percent sure there

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wasn't contact. I can't sort that out. So what I am left with is the

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Judges' view of the incident and they felt that the cause of the

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break occurred a few strides before you actually crossed over, Ms.

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Hudon, and when there was contact with the wheel in their

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judgment. Now those people collectively have judged several

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thousand races in their careers and they were unanimous in their

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ruling. What happens in a lot of these cases, they are judgment

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calls. We see that in every sport. We see that in baseball and

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hockey. Sometimes the replays will show us that the called strike

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was in fact a ball. That influences perhaps the outcome of the

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game. We often see in hockey that perhaps the play was offside

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when it wasn't called and a goal was scored and that influencing

1 the outcome of the game and so on. So it is strictly a judgment
2 call. There is one other group of people who we never hear from
3 in here and I don't know how to do it. We should be able to hear
4 from them and that's the fans who do not have a right of appeal,
5 even though on Judges' rulings several thousand dollars of their
6 money changes hands as a result of the ruling, whether it is win,
7 place, show money or trifecta money or exactor money or
8 whatever. A lot of money is at stake every time the Judges make
9 a ruling. I don't doubt the sincerity or honesty of either one of you.
10 I think you both have a view of the incident that you actually and
11 honestly believe and I have no problem with the credibility of
12 either of you but I'm afraid I am going to have to deny the appeal
13 and uphold the Judges' ruling because that's really all I have to go
14 with in terms of expertise and trying to sort through the he
15 said/she said. So the appeal is denied and the Judges' ruling is
16 upheld and I thank you both for your time.

17 MS. HUDON: Thank you.

18 MS. FRIEDMAN: Thank you.

CERTIFIED CORRECT

RAYMOND P. MACDONALD, B.A., CVR
Commissioner of Oaths