



COMMISSION HEARING

TORONTO, ONTARIO – SEPTEMBER 13, 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 BY
STANDARDBRED LICENSEE TED JACOBS**

On July 16, 2011 the Judges issued Official Ruling SB43918 wherein the horse Big Strike finished first and was not placed in accordance with Rules 22.09, 18.08.02 and Standardbred Directive 2-2010 in Race 7 at Hiawatha Horse Park on July 7, 2011.

On July 18, 2011, Ted Jacobs (“Jacobs”) filed a Notice of Appeal, pursuant to 2008 Rules of Standardbred Racing.

On September 13, 2011, a Panel of the Ontario Racing Commission (ORC), comprised of Chair Rod Seiling convened for the purpose of hearing this matter.

Tom Miller appeared on behalf of the Administration of the ORC. Jacobs attended the Hearing and was represented by Randall Waples. Driver/Trainer Brad Kramer also attended the appeal and was represented by Robert Burgess.


After reviewing the evidence, and hearing the testimony of Judges Chuck Fraleigh and Wes Coke and Driver Brad Kramer and upon considering the closing submissions, the Panel allowed the appeal. The horse Big Strike finished first and is placed eighth. The official order of finish after placings is as follows:

- 1st Assignment
- 2nd Incredible Frank
- 3rd St Lads Freeman
- 4th Oaklea Torpedo
- 5th Holy Kadabra
- 6th Starlitestarbrite
- 7th Air Stewart
- 8th Big Strike

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

DATED at Toronto this 20th 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
TED JACOBS

Held Before:

Rod Seiling, Chairman

These are an excerpt of the proceedings in the above mentioned matter held before The Ontario Racing Commission, Re: **TED JACOBS**, taken before Toronto Court Reporters, Suite 1410, 65 Queen Street West, Toronto, Ontario, at 10 Carlson Court, Suite 400, Toronto, Ontario, on the 13th day of September, 2011.

Appearances:

Tom Miller,

agent for the Ontario Racing
Commission Administration

Robert Burgess, Q.C. for an interested party Brad Kramer

1 Hearing continued ...

2 MR. CHAIRMAN: All rise. Please be seated. After
3 carefully reviewing the sworn testimony and submissions the
4 appeal succeeds. Mr. Kramer's horse is to be placed last.
5 Relying on the testimony of two senior Judges there was a rule
6 violation and as per the film Mr. Kramer's horse clearly goes inside
7 four pylons. It is important that officials get their decisions right
8 and it is just as important that our Judges in this instance
9 recognized and admitted they missed the infraction and they were
10 correcting, although, not correcting it right after the race. The
11 officials are to change the order of finish and distribute the purse
12 money accordingly. Questions? None? We are dismissed.

CERTIFIED CORRECT _____
RAYMOND P. MACDONALD, B.A., CVR
Commissioner of Oaths