



IN THE MATTER OF THE APPEAL AND REQUEST FOR HEARING OF STANDARBRED CANADA MEMBER LARRY LANE

On December 10, 2004, Larry Lane's membership with Standardbred Canada was suspended for life, subject to the condition that he may reapply in five years from the date of the decision. Mr. Lane had been suspended for falsifying the birth dates of four Standardbred horses in the registry of Standardbred Canada.

On November 17th, 2009, Mr. Lane appeared before the Executive Committee of Standardbred Canada for the purpose of presenting an oral and written application for membership with Standardbred Canada. After deliberation, the Executive Committee voted to deny Larry Lane's request for re-instatement of his membership. He was invited to re-apply in three (3) years.

Mr. Lane appealed the decision of the Executive Committee and on February 23rd, 2010, a Panel of Standardbred Canada's Board of Appeal, comprised of Dean Leifso, Robert Burgess and Jamie Martin, convened for the purpose of hearing this matter.

Al Riswick appeared on behalf of the Administration of Standardbred Canada. Larry Lane appeared personally, along with his agent Ken Balser.

After reviewing the evidence and hearing the testimony of Larry Lane, the Appeal Board granted Mr. Lane's appeal of the Executive Committee and reinstated Mr. Lane's membership subject to the following conditions:

- (i) That he sign a covenant that he will not directly or indirectly breed Standardbred horses in Canada;
- (ii) That he shall be on probation for a period of two years, during which time any breach of the Rules & Regulations of Standardbred Canada or a provincial racing commission, shall result in the permanent suspension or revocation of his membership.

DATED at Mississauga this 23rd day of February 2010.

BY ORDER OF STANDARBRED CANADA

A handwritten signature in black ink that reads 'Ted Smith'.

Ted Smith,
President & Chief Executive Officer

REASONS FOR DECISION

Standardbred Canada's Board of Appeal, composed of Dean Leifso, Chair, Robert Burgess and Jamie Martin, met on February 23rd, 2010 to review the appeal of Larry Lane from the decision of the Executive Committee denying his application for reinstatement. Larry Lane appeared personally together with his agent, Ken Balser. Mr. Riswick appeared on behalf of Standardbred Canada.

BACKGROUND

In a unanimous decision dated December 10th, 2004, Standardbred Canada's Executive Committee suspended Larry Lane's membership for life with the proviso that he could apply to the Executive Committee for reinstatement five (5) years from the date of the decision, such reinstatement to be at the absolute discretion of the Executive Committee.

By a letter dated October 25, 2009, Mr. Lane requested reinstatement of his Standardbred Canada Membership and Trainer's License. The Executive Committee met on November 17th, 2009 to consider the request. Mr. Lane appeared personally before the Committee. By a letter dated December 9th, 2009, Mr. Lane was advised that "the Executive Committee voted to deny your request for re-instatement of your membership. Further, you are advised that you may re-apply in three (3) years."

By-Law 1, Article 2.5 provides that a decision made under Article 2.4, suspension or revocation of membership by the Executive Committee, may be appealed in accordance with Article 8.1.

Article 8 sets out the Appeal procedure as follows:

- 8.1 A person who wishes to appeal a decision made pursuant to the By-Laws or Regulations which imposes a...suspension... may appeal in writing delivered to the Association within fifteen (15) days of the decision...
- 8.2 Upon receiving a Notice of Appeal, the Chair shall cause a Board of Appeal of three (3) current or Past Directors of Standardbred Canada to be formed to hear the appeal...
- 8.3 The Board of Appeal shall...establish its own procedures in accordance with the principles of natural justice. The Board of Appeal may hold a hearing or may determine an appeal based on written submissions....
- 8.4 The Board of Appeal may affirm, vary or rescind any decision under appeal and may assess costs of the appeal or the Association.

DELIBERATIONS

The Appeal Board notes that no written Notice of Appeal appears to have been filed. No objection was raised by Mr. Riswick on behalf of Standardbred Canada and we are prepared to accept that the appeal is validly before us.

The Appeal Board determined that the hearing would not be de novo and therefore no sworn testimony was required. Oral submissions were heard from Mr. Lane, his agent, Kenneth Balser and Mr. Riswick.

The material supplied to the Appeal Board included the original decision of the Executive Committee dated December 10, 2004, Mr. Lane's request for reinstatement dated October 25th, 2009, reference letters supporting Mr. Lane's character, and Decision of the Ontario Racing Commission dated June 29th, 2005.

In making a decision, the Appeal Board was faced with the difficulty that no reasons were given by the Executive Committee for its decision of November 17th, 2009. This Appeal Board's function is not to rule on the 2004 decision, but whether the Executive Committee properly exercised its authority in dismissing Mr. Lane's application for reinstatement. The decision of December 10, 2004, which was not appealed, provided that "reinstatement shall be at the absolute discretion of the Executive Committee." However, absolute discretion must still be exercised within the rules of natural justice and with no reasons provided, it is impossible for the Board to determine if the Executive Committee acted reasonably.

The Appeal Board recognizes the difficulty Mr. Lane faced in appealing a decision for which no reasons were given. Mr. Lane repeated his assertions that the incidents were out of character for him, that he was normally of good character, that the penalty was too severe and that the penalty should be finite. He also pointed out that the Ontario Racing Commission, on appeal, reduced his suspension to three years. Mr. Lane advised that Board that he did not intend to breed horses in the future, but wished to be reinstated in order to apply for his trainer's license. Ironically, although the suspension of Mr. Lane's membership would not prevent him from breeding and registering Standardbreds, it does mean that he could not race horses.

In reaching its decision, the Appeal Board took into consideration the length of suspensions imposed by the Ontario Racing Commission for racing infractions.

DECISION

It was the unanimous decision of Standardbred Canada's Appeal Board that the decision of the Executive Committee be varied and that Mr. Lane's membership be reinstated subject to the following conditions:

1. That he sign a covenant that he will not directly or indirectly breed Standardbred horses in Canada;
2. That he shall be on probation for a period of two years, during which time any breach of the Rules & Regulations of Standardbred Canada or a provincial racing commission, shall result in the permanent suspension or revocation of his membership.

There shall be no order as to costs.

Dated this 23rd day of February 2010

A handwritten signature in black ink, appearing to read "Dean Leifso".

Dean Leifso,
Chair of the Standardbred Canada Board of Appeal.