



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  
STANDBRED LICENSEE PAUL MACDONELL**

Paul MacDonell (“MacDonell”) appealed against Standardbred Official Ruling SB 34256 regarding the cancellation of the Ontario Sires Stakes Gold Elimination at Grand River Raceway on September 19, 2011.

On September 22, 2011, a Panel of the Ontario Racing Commission consisting of Chair Rod Seiling was convened to hear this matter.

Randy Bennett appeared on behalf of MacDonell. Jennifer Friedman appeared as counsel for the Administration.

Upon hearing the testimony of ORC Judge Rick Rier, and MacDonell, reviewing the exhibits filed, including precedent, and upon hearing the closing submissions, the Panel dismissed MacDonell’s appeal.

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

DATED at Toronto this 23<sup>rd</sup> 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  
**PAUL MACDONELL**

Held Before:

Rod Seiling, Chairman

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These are an excerpt of the proceedings in the above mentioned matter held before The Ontario Racing Commission, Re: **PAUL MACDONELL**, taken before Toronto Court Reporters, Suite 1410, 65 Queen Street West, Toronto, Ontario, at 10 Carlson Court, Suite 400, Toronto, Ontario, on the 22nd day of September, 2011.

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Appearances:

Jennifer Friedman,

for the Ontario Racing  
Commission Administration

Randy Bennett,

for the appellant Paul  
Macdonell

1 Hearing continued ...

2 MR. CHAIRMAN: All rise. Please be seated. After  
3 carefully listening to the testimony and reviewing the documents  
4 the appeal is denied. It strains reasonableness to allow a horse  
5 into a final of a race it is scratched, due to sickness, from its  
6 elimination event. Acts of god such as those that were on  
7 September 19th forced a cancellation of race 9 of the Gold OSS  
8 elimination. Under 1.09 it was determined in the collective best  
9 interests of racing the nine horses that were in to go would be  
10 allowed into the final. This did not include REBEL JET. The  
11 precedent cases SB035/2011 and the March 12, 2011 Cam Fella  
12 eliminations support the position of only allowing those horses  
13 properly programmed and ready to race into a cancelled future  
14 event. Thank you.

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