



COMMISSION HEARING

TORONTO, ONTARIO – DECEMBER 7, 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
STANDARD BRED LICENSEE RON MACLEAN**

On October 14, 2011 the Judges issued Standardbred Official Ruling SB 43955 wherein the horse "McDaisy Cutter" was placed from 1st to 7th for violation of SB Rules 22.09 and 22.05.01 (g) (i), take up or slow up in front of other horses so as to cause confusion or interference among the trailing horses in race #3 on October 14, 2011, at Western Fair Raceway.

On October 18, 2011, Ron Maclean ("Maclean") filed a Notice of Appeal, pursuant to Rule 24.01(b) of the Rules of Standardbred Racing

On December 7, 2011, a Panel of the Ontario Racing Commission ("ORC"), comprised of Commissioner John Macdonald, convened for the purpose of hearing this matter.

Neil McCoag appeared on behalf of the Administration of the ORC. Ron Maclean attended the Hearing and was unrepresented.

After reviewing the evidence, hearing the testimony of Judge Chuck Fraleigh, Drivers Trevor Henry and Dean Wall as well as Mclean and upon considering the closing submissions, the Panel denied the appeal.

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

DATED at Toronto this 21st day of December 2011.

BY ORDER OF THE COMMISSION


John L. Blakney
Executive Director

ONTARIO RACING COMMISSION
STANDARD BRED HEARING
IN THE MATTER OF THE APPEAL AND REQUEST FOR HEARING OF
RON MACLEAN

Held Before:

John Macdonald, Commissioner

These are an excerpt of the proceedings in the above mentioned matter held before The Ontario Racing Commission, Re: **RON MACLEAN**, taken before Toronto Court Reporters, Suite 1410, 65 Queen Street West, Toronto, Ontario, at 10 Carlson Court, Suite 400, Toronto, Ontario, on the 7th day of December, 2011.

Appearances:

Neil McCoag, agent for the Ontario Racing
Commission Administration

1

Hearing continued ...

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. CHAIRMAN: Thank you all. I sorry we don't have Mr. Johnston here. That would have been of some help. I'll start off by indicating, as I mentioned earlier, that the rule 22.05.01(g) was not part of these proceedings. That would have been involving the driver Trevor Henry. We are not a hundred percent sure as to why the filly slowed and it wasn't fully noticeable until you saw the video a few times that she actually did slow and Mr. Johnston at that stage was coming basically on top of Mr. Henry. The suggestion is that it might have been the lights on the car. We don't know and all we know for sure is that, and it was acknowledged by almost everyone here, that there was a momentary slowing up by her. Mr. Henry got her to move on, Mr. Johnston was impeded with. It looked like a couple of little steps that his horse made and Mr. Wahl indicated that he knew that there was some confusion up front and this is why he pulled out. Confusion occurred and we don't know, as I said, why. Unfortunately, no comments from Mr. Paine or Brad Pinnock or Wes Coke. That might have helped explain what did happen. From what you have indicated that won't happen again if they manage to put the car in park and don't have the brakes on. I'm a little concerned because you had indicated that everybody seemed to be content with the pace. Now it is not unusual for a driver to want to deliberately back things off. Of course we all know that but in this case it was a momentary slowing down which

1 unfortunately resulted in the confusion. That's what the Judges
2 noted. The average fan might not have noticed that but you could
3 certainly see what happened after that with Mr. Johnston being so
4 far up the backside of Trevor Henry that you could see Trevor's
5 head definitely being cocked to the right and the horse's head
6 coming over his shoulder but the real problem is that there was a
7 momentary difficulty here that caused the confusion in the back,
8 enough off that the Judges felt it was interference. While it wasn't
9 something that was easily discernable. I had to watch the video a
10 few times before I could follow the race and we have seen enough
11 of it today but the filly did cause some confusion, whether it
12 through greenness, the car we don't know with the lights. I any
13 event there was confusion and there was interference so I'm going
14 to have to deny the appeal and the ruling of the Judges will stand
15 as is with the placings that they made. Thank you all.

16 MR. MCCOAG: Thank you.

17 MR. CHAIRMAN: A difficult matter but the problem was
18 not easy to resolve but there just was that momentary slowing
19 down which caused the confusion. Thank you.

20
21
22 CERTIFIED CORRECT

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