



COMMISSION HEARING

TORONTO, ONTARIO – FEBRUARY 1, 2012

**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
STANDBRED LICENSEE ALAN MORRISON**

Alan D. Morrison ("MORRISON") appealed against Standardbred Official Ruling SB 42749 wherein a 1 year full suspension (Dec 6/11 to Dec 5/12 inclusive) and a fine of \$6000 were imposed upon him for violating Rules 9.09(b), 26.02.01, 26.02.02, and 26.02.03(a, c) of the Rules of Standardbred Racing ("SB Rules") as a consequence of a Class II positive for Ephedrine. SB Rules 6.13.01, 9.13, and 18.08.01 were also listed in the Ruling.

The Judges also issued Standardbred Official Ruling SB 42750 wherein MORRISON was placed on a 2-year probation in accordance with Ontario Racing Commission ("ORC") Policy Directive No. 3-2008.

On December 6, 2011, MORRISON filed a Notice of Appeal.

On January 19, 2012, a Notice of Hearing was issued to notify the parties that the appeal would be heard on February 1, 2012 at 8:00 a.m.

On February 1, 2012, a Panel of the ORC consisting of Commissioners John Macdonald, Pam Frostad, and Brenda Walker was convened to hear the appeal.

MORRISON attended on his own behalf. Jennifer Friedman appeared as counsel for the Administration of the ORC.

As a preliminary matter, the Administration of the ORC sought an abridged penalty of 90 days and a \$3,000 fine on the basis that Ephedrine positives have been treated as Class III instead of Class II.

Upon hearing the testimony of ORC Senior Judge Mike Brown, Investigator Steve Rushton, Official Veterinarian Adam Chambers, reviewing the exhibits filed, and upon considering the submissions of MORRISON and counsel, the Panel denied the appeal but varied the penalty with the following result:

1. A 90-day suspension less time served;
2. 30 days of the remaining suspension shall be stayed, which stay shall immediately expire should there be a further violation;
3. MORRISON'S suspension began on December 6, 2011 and shall conclude on February 6, 2012;



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4. Two year probation (February 6, 2012 to February 5, 2014) with the following conditions:
- a) The Licensee shall keep the peace and be of good behaviour;
 - b) The Licensee shall allow Commission investigators access to his stabling area at any time to conduct unannounced random searches for illegal or non-therapeutic medications or drugs;
 - c) The Licensee shall allow Commission investigators to seize any illegal or non-therapeutic medications or drugs found at his stabling area;
 - d) The Licensee shall be subject to the Commission's Out of Competition Program; and
 - e) The Licensee may be subject to a Notice of Proposed Order in addition to any penalty imposed by the ORC Judges or Stewards for any breach of the terms of his licence.

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

DATED at Toronto this 2nd day of February 2012.

BY ORDER OF THE COMMISSION


John L. Blakney
Executive Director

ONTARIO RACING COMMISSION

STANDARD BRED HEARING

IN THE MATTER OF THE RACING COMMISSION ACT, 2000,
S.O. C.20 AND THE RULES OF STANDARD BRED RACING:

IN THE MATTER OF THE APPEAL AND REQUEST FOR
HEARING OF **ALAN MORRISON**:

Held Before:

John Macdonald, Commissioner

Brenda Walker, Commissioner

Pamela Forstad, Commissioner

These are an excerpt of the proceedings in the above mentioned
matter held before The Ontario Racing Commission, Re: **ALAN
MORRISON**, taken before Toronto Court Reporters, Suite 1410,
65 Queen Street West, Toronto, Ontario, at 10 Carlson Court,
Suite 400, Toronto, Ontario, on the 1st day of February, 2012.

Appearances:

Jennifer Friedman,

for the Ontario Racing
Commission Administration

1 Hearing commenced ...

2 MR. CHAIRMAN: All rise please. Please be seated. The
3 panel has considered all the material put forward this morning and
4 thank you, counsel and Mr. Morrison, for being what we think is
5 quite realistic under the circumstances. It is difficult. We can
6 understand that. In our view of the evidence we do accept that
7 the CPMA and the Administration agreed to treat ephedrine as a
8 Class III drug and we know that this particular product was
9 promoted. It is unknown as to the total ingredients because it is
10 not identified. It was purchased through someone that Mr.
11 Morrison knew who was a person licensed by the ORC but the
12 ultimate distributor was someone who is not involved in the
13 business and it would appear to us he is just trying to sell the
14 product anywhere he can. We don't know whether the literature is
15 accurate or not but the suggestions on the literature are the
16 enhancement of red blood cells and how the horse might perform
17 a little better which it may be the come on. I appreciate that Mr.
18 Morrison has done some research. He looked at the internet for
19 what he could find about this product but unfortunately there was
20 certainly no disclosure anywhere that there was ephedrine in it
21 which was the prohibited substance which was found in the
22 horse's system. Mr. Morrison understands the trainer
23 responsibility rule and that's part of the mandate that we as a
24 Commission have a responsibility in connection with seeing that

1 the trainer does follow the rules and the trainer responsibility is
2 there.

3 Now having said all that we have looked at the whole case
4 and determined that we will go with the suggestion of the 90 days.
5 However, there has been some time served since December 6th
6 and we are going to stay the last 30 days of the suspension so
7 that shortly Mr. Morrison will be able to licensed again. There is
8 only about five days left to go in that but this is on the condition
9 that there is no further violation. If there is then the full 90 day
10 suspension would apply. We have also considered the fine and
11 Mr. Morrison's generally pretty good record is such that we are
12 going to reduce the fine to \$2,000.00. So in summary that is a 90
13 day suspension, the last 30 days stayed so that the effective
14 suspension is 60 subject to a good record from now on and we will
15 also apply the directive 2008 which is on page 8 of the factum in
16 the first part which is the standard policy relating to a two year
17 probation and that will apply to you, Mr. Morrison, so you will have
18 a two year probationary period and the terms of that are generally
19 keep the peace and be of good behaviour and that's generally
20 what we expect you would have no trouble with that one, from
21 what we have seen today. You will be required to allow
22 Commission investigators access to your stable Dreamfair and
23 that means they can conduct unannounced random searches for
24 drugs both therapeutic and non therapeutic. Investigators
25 obviously will have the right to seize any drugs and basically test

1 them to see whether you are complying which means that the
2 Commission Out of Competition Program Testing applies and you
3 may be subject then to a proposed order and any other penalty if
4 there is anything untoward that is found. This is a general
5 summation of that directive and my summation not the
6 Commission because the directive speaks for itself. I guess we
7 can sum all this as it is a difficult situation for the buying or any
8 other licensed racing commission person dealing with drugs and
9 this has been told a number of times; you have to watch what is
10 on the label and if you don't know the product you should check
11 with your veterinarian to see what they know about it because if
12 they haven't heard about it then you are running a risk of what is in
13 that product or what is contained there that might end up in the
14 test category that would end up being a more severe penalty. The
15 next time obviously it becomes even more severe even though we
16 can understand the circumstances here that you were not, in our
17 view, attempting to take an unfair advantage other than to have
18 the normal benefit for the horse. Thank you very much.

19 MR. MORRISON: Thank you very much.

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CERTIFIED CORRECT

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