



COMMISSION HEARING

TORONTO, ONTARIO – MARCH 26, 2013

NOTICE OF DECISION

IN THE MATTER OF THE RACING COMMISSION ACT, S.O. 2000, c.20;

AND IN THE MATTER OF THE NICHOLAS BOYD APPEAL

Nicholas Boyd appealed against Ruling Number SB 45130/2012.

Date of Hearing: March 26, 2013

ORC Panel Members: Chair Rod Seiling
Vice-Chair Anthony Williams
Commissioner Dan Nixon

Representative for Appellant: Self-represented

Representative for the Administration: Craig Walker

The Panel denied the appeal but varied the penalty to a fine of \$300 and 7 days driving suspension to be served from March 31 to April 6, 2013 inclusively.

A transcript with the Panel's oral Reasons for Decision is attached to this Notice.

DATED at Toronto this 2nd day of April 2013.

Steven Lehman
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:

AND IN THE MATTER OF AN APPEAL AND REQUEST FOR
HEARING OF **NICHOLAS BOYD**:

Held Before:

Rod Seiling Chairman

These are an excerpt of the proceedings in the above mentioned matter held before The Ontario Racing Commission, Re: **NICHOLAS BOYD**, taken before Toronto Court Reporters, Suite 1410, 65 Queen Street West, Toronto, Ontario, at 10 Carlson Court, Suite 400, Toronto, Ontario, on the 26th day of March, 2013.

Appearances:

Craig Walker,

agent for the Ontario Racing
Commission Administration

Hearing continued ...

1 MR. CHAIRMAN: The issue before me is did the appellant Nicholas Boyd violate SB
2 rule 22.23.03 (a), (b) and (c) and 22.23.05 (a), (b) and (c) on November 4th, 2012 at
3 Georgian Downs in race 6. After carefully listening to the testimony and reviewing the
4 evidence and documents filed the panel denies the appeal. The standard of proof is on the
5 balance of probabilities with the onus of proof on the Administration of the ORC. Based on
6 the evidence it is reasonable to conclude the appellant Nicholas Boyd violated rules SB
7 22.23.03 (a), (b) and (c) and 22.23.05 (a), (b) and (c). The video of the race supports that his
8 hand was raised above his head in violation of the rule. The testimony of Judge Lawrence
9 on a balance of probabilities supports the video evidence. The panel took into account the
10 penalty based on the ORC/RCI penalty guidelines. The penalty assessed by the judges is
11 varied and is set at seven days with the fine of \$300.00. Mr. Boyd raised serious allegations
12 of bias against him. The panel directs Managing Director Stone to investigate this serious
13 allegation. Furthermore the panel urges the ORC Administration to ensure there is strict
14 enforcement of the urging rules, in particular, no loose lining. This is a safety matter as well
15 as it possibly may mitigate the objectives of the urging rule. As to Mr. Boyd's claim others
16 are breaking the rules, his assertion is akin to the speeder who gets caught by the police for
17 speeding whose defence is simply others were speeding as well. Whether others were
18 breaking the rule is irrelevant as it relates to Mr. Boyd's violation of the urging rule. For
19 certainty, the film review did not conclusively show any other driver in the race violated the
20 urging rule. Thank you. Mr. Boyd can work out with the judges his penalty.

21 MR. WALKER: Thank you, sir.

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26 CERTIFIED CORRECT

27 RAYMOND P. MACDONALD, B.A., CAR
28 Commissioner of Oaths