



COMMISSION HEARING

TORONTO, ONTARIO – FEBRUARY 2, 2010

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

**AND IN THE MATTER IN THE APPEAL AND REQUEST FOR HEARING OF  
STANDARDBRED LICENSEE DARCY CLANCY**

On October 30, 2009, the Judges issued Standardbred Official Ruling SB40178 wherein Darcy Clancy (CLANCY), Licence Number W36969, was given the penalty of a three-day driving suspension and the horse A STUD NAMED STEPH which finished 3<sup>rd</sup> was placed 6<sup>th</sup> for the following reason:

The horse A STUD NAMED STEPH caused interference in Race 3 at Rideau Carleton Raceway on October 29, 2009, ORC Rule 22.09.

CLANCY was given a three-day driving suspension for a violation of ORC Rule 22.05.01 (a).

On October 30, 2009, CLANCY filed a Notice of Appeal, pursuant to Rule 24.01(b) of the Rules of Standardbred Racing.

On February 2, 2010, a Panel of the 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. CLANCY attended the Hearing and was represented by Brian Tropea.

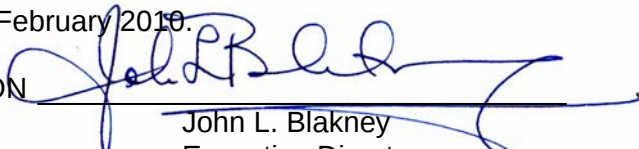
After reviewing the evidence, hearing the testimony of Judge Rick Rier, Driver Darrell Coville, Driver Darcy Clancy and Owner Walter Clancy, and upon considering the closing submissions, the Panel denied the appeal and found as follows:

- i. The evidence shows that interference did occur.
- ii. Driver Darcy Clancy will serve his three-day driving suspension from February 4, 2010 to February 6, 2010, (inclusive).
- iii. The placing of the horse A STUD NAMED STEPH is upheld.

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

DATED at Toronto this 2<sup>nd</sup> day of February 2010.

BY ORDER OF THE COMMISSION

  
John L. Blakney  
Executive Director

ONTARIO RACING COMMISSION  
STANDARD BRED HEARING  
IN THE MATTER OF AN APPEAL AND REQUEST FOR HEARING OF  
**DARCY CLANCY**

Held Before:

John Macdonald,      Chairman - - - - -

These are an excerpt of the proceedings in the above mentioned matter held before The Ontario Racing Commission, Re: **DARCY CLANCY**, taken before Toronto Court Reporters, Suite 1410, 65 Queen Street West, Toronto, Ontario, at 10 Carlson Court, Suite 400, Mississauga, Ontario, on the 2nd day of February, 2010.

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Appearances:

Neil McCoag, for the Ontario Racing Commission Administration

Brian Tropea, OHHA representative

1                    Hearing continued ...                    MR. CHAIRMAN: There is not a question here about the placing. That was already determined. It was the suspension I understood here that was under appeal.

1 MR. TROPEA: Both the placing and the  
2 suspension, sir.

3 MR. MCCOAG: I think on the advice of the  
4 intention to appeal it is on there somewhere.

5 MR. CHAIRMAN: In the written letter? I'm sorry,  
6 the initial appeal I had only referred to the suspension.

7 MR. MCCOAG: I asked that question earlier  
8 because I was a little confused myself. If you look at the notice of  
9 appeal that was written out, it is page 1 and it is following ...

10 MR. CLANCY: The charter lines.

11 MR. MCCOAG: It is following the charter lines. It  
12 says, I appeal the days and the placement.

13 MR. CHAIRMAN: That's in Exhibit 1 which I didn't  
14 have in front of me prior to the hearing. I see it here. In any  
15 event, I find after hearing the evidence and seeing the video; while  
16 the video wasn't a hundred percent conclusive as to this, it did  
17 appear from that, supported by the evidence of Mr. Coville and  
18 from what I could see that there was enough of an interference to  
19 illustrate that Mr. Coville's horse did have to pull up and  
20 unfortunately that's what it appeared to be. You indicated - Mr.  
21 Clancy indicated that he maybe had a better view of that than  
22 what we had but that's what we are going to go by and on the  
23 evidence of the video and the witnesses the appeal will be denied  
24 in both instances. Thank you.

25 MR. TROPEA: Mr. Macdonald, if I could just, off  
26 the record. I have sat through two hearings here today and I think

1 with the technology available to us today it is disappointing to  
2 have to deal with the quality of video that we have been presented  
3 with today and I would ask that the Racing Commission does a  
4 review into what processes and procedures are in place at all the  
5 racetrack to see if we can increase the quality of the video to  
6 determine these things. I note that it wasn't a great deal of money  
7 that we were going to deal with today but there are going to be  
8 cases here where we are talking about millions of dollars and I  
9 would think that we should do all that we can to make sure that we  
10 have got as clear evidence as possible.

11 MR. MCCOAG: There is one other piece of  
12 evidence or one other matter that we would like to resolve at this  
13 time. It is the matter of the three day suspension. We would like  
14 that, the Administration would like the three days set here. There  
15 has been in the past it has been a process of sending it out to the  
16 Judges at that track to determine when they could do three days.  
17 Normally the three days commence after the driver has finished  
18 his driving obligations. So it is our request that the days be  
19 established right now.

20 MR. TROPEA: And we are comfortable with that,  
21 Mr. Macdonald.

22 MR. MCCOAG: Mr. Clancy, when is your last date  
23 of driving?

24 MR. CLANCY: I have nothing in.

25 MR. TROPEA: He can start at any time.

1 MR. MCCOAG: You have nothing in to go so you  
2 could start it as early as ...

3 MR. TROPEA: Yesterday.

4 MR. MCCOAG: It has got to be one day at that  
5 track, correct? Well, that is the way we deal with it. It is one day  
6 at least at that track.

7 MR. CLANCY: So Thursday and Sunday are  
8 Rideau.

9 MR. MCCOAG: So if we made it Thursday, Friday,  
10 Saturday?

11 MR. CLANCY: Okay.

12 MR. MCCOAG: Thank you.

13 MR. CHAIRMAN: That's acceptable?

14 MR. TROPEA: That's acceptable, sir.

15 MR. CHAIRMAN: Even though I believe the court  
16 reporter has it on the record you do have a point and that will be  
17 brought up. Thank you.

18 MR. TROPEA: Thank you very much, sir.

19 MR. MCCOAG: Those dates then will be the 4th,  
20 the 5th and 6th of February.

21 MR. CHAIRMAN: This hearing is terminated.

22 Thank you.

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CERTIFIED CORRECT: \_\_\_\_\_  
RAYMOND P. MACDONALD, B.A., CVR

Commissioner of Oaths