



COMMISSION HEARING

TORONTO, ONTARIO – APRIL 10, 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  
STANDARDBRED LICENSEE DWAYNE JACKSON**

On February 29, 2012, standardbred licensee Dwayne Jackson, (“JACKSON”) (Licence #M6619), appealed Judges’ Ruling SB43643, dated February 21, 2012, wherein he was ordered to comply with the Judges’ direction to refrain from warming up horses at racetracks where his spouse is employed in an official capacity, other than those horses trained by his regular employer, in accordance with Rules 1.09 and 5.11 of the Rules of Standardbred Racing.

On April 10, 2012, a Panel of the Ontario Racing Commission (“ORC”) consisting of Chair Rod Seiling, was convened to hear the appeal.

Rick Rier appeared as agent for the Administration. JACKSON attended the hearing in person and was represented by Dave Boughton.

Upon hearing the testimony of Judge William Maertens, and JACKSON, upon reviewing the exhibits filed and upon hearing the submissions of Rick Rier and Anthony Boughton, the Panel dismissed the appeal.

A transcript of the Panel’s Oral Decision is attached to this Ruling.

Dated at Toronto, Ontario this 19<sup>th</sup> day of April 2012.

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  
**DWAYNE JACKSON**

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: **DWAYNE JACKSON**, taken before Toronto Court Reporters, Suite 1410, 65 Queen Street West, Toronto, Ontario, at 10 Carlson Court, Suite 400, Toronto, Ontario, on the 10th day of April, 2012.

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Appearances:

Rick Rier,

agent for the Ontario Racing  
Commission Administration

Dave Boughton,

agent for the Appellant  
Jackson

1 Hearing continued ...

2 MR. CHAIRMAN: All rise. Please be seated. The issue before us today is  
3 should the appellant Dwayne Jackson be allowed to warm up horses for licensees  
4 other than those of his employer when his wife is employed as a paddock judge at  
5 that track. After carefully listening to the testimony and reviewing the evidence and  
6 documents filed the panel denies the appeal. The standard of proof is on a balance  
7 of probabilities with the onus of proof on the Administration of the ORC. Based on  
8 the evidence it is reasonable to conclude that there is a conflict of interest as Mr.  
9 Jackson is using the ORC office as his de facto office. As well, there exists the  
10 perception of preferential treatment. For racing to exist it must not only ensure its  
11 integrity is being looked after it has to be seen to be doing that. Allowing such a close  
12 business relationship to exist within an integral part of racing could lead to a variety of  
13 possible unfavourable outcomes. There is no question concerning the appellant's  
14 quality of service, hence the support letters. Although supporting Mr. Jackson, they  
15 are only concerned with keeping his valued service. They are not taking into account  
16 the mandate of the ORC to protect the public interest. The ORC is the king of  
17 integrity; because of this responsibility it sometimes has to make tough decisions  
18 which sometimes includes counter-ruling a previous Commission decision. On a  
19 balance of probabilities there is a pecuniary conflict of interest and for the good of  
20 racing the appeal must be denied. Thank you. Any questions?

21 MR. RIER: No, sir.

22 MR. BOUGHTON: No, sir.

23 MR. CHAIRMAN: Thank you.

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