



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 LICENSEES BRIAN LEGGE AND DAVID LEGGE**

On October 17, 2009, the Judges issued Standardbred Official Ruling SB41360 wherein the horse ARTS DIVA was given the penalty of a placing from 4<sup>th</sup> to 6<sup>th</sup> for the following reasons:

ARTS DIVA was placed for causing interference in race 10 at Western Fair Raceway on October 17, 2009. ARTS DIVA was 4<sup>th</sup> and placed 6<sup>th</sup> as per ORC Rule 22.09

On October 27, 2009, Brian and David Legge 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. Brian and David Legge attended the Hearing and were unrepresented.

After reviewing the evidence, hearing the testimony of Judge Jeff Minler and upon considering the closing submissions, the Panel denied the appeal as follows:

- i. The Panel finds that the film evidence and sworn testimony supported a violation of ORC Rule 22.09, and that the placement of the horse ARTS DIVA is upheld.

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

DATED at Toronto this 2nd 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 **BRIAN LEGGE AND DAVID LEGGE**

Held Before:

John Macdonald,      Chairman

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These are an excerpt of the proceedings in the above mentioned matter held before The Ontario Racing Commission, Re: **BRIAN LEGGE AND DAVID LEGGE**, 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

1 Hearing continued ...

2 MR. CHAIRMAN: Thank you. Having you  
3 gentlemen and Mr. Minler and looked at the video tape and the  
4 argument I can see what I visualize that Mr. McNair seemed to be  
5 leaning and I can acknowledge that but I also did see that there  
6 was some interference so on that basis the ruling of the Judges,  
7 interference, Rule 22.09 will stand and the appeal will be denied.  
8 Thank you. Any further questions?

9 MR. MCCOAG: Thank you, sir.

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