



COMMISSION HEARING

TORONTO, ONTARIO – DECEMBER 3, 2010

**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 DOUGLAS MCNAIR**

Standardbred Licensee Douglas McNair (“McNair”) appealed Ruling SB 42437, dated August 28, 2010, wherein he was suspended for 5 days (September 1, 2, 3, 4 and 5, 2010), and fined \$500.00, for failing to keep a line in each hand for the entire race while driving ARACACHE HANOVER in race 12 at Flamboro Downs on August 15, 2010, in violation of 22.23.04 of the Rules of Standardbred Racing.

On December 3, 2010, a Panel of the Ontario Racing Commission (“ORC”) consisting of Commissioner Brenda Walker as Chair, was convened to hear the appeal.

Angela Holland appeared as counsel for the Administration, Robert Burgess appeared as counsel for McNair, and McNair attended the hearing in person.

Upon hearing the testimony of Senior Judge William Maertens, Senior Judge Rick Rier, and McNair, upon reviewing the exhibits filed and upon hearing the submissions of counsel for the Administration and counsel for McNair, the Panel allowed the appeal.

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

DATED this 24th day of December 2010.

BY ORDER OF THE COMMISSION


John L. Blakney
Executive Director

ONTARIO RACING COMMISSION

RE: STANDARDBRED HEARING

IN THE MATTER OF AN APPEAL AND REQUEST FOR HEARING OF

DOUGLAS MCNAIR

Held Before:

Brenda Walker, Commissioner

This is an excerpt of a Hearing of the Ontario Racing Commission re: **DOUG MCNAIR**, taken before Toronto Court Reporters, Suite 1410, 65 Queen Street West, Toronto, Ontario, at 10 Carlson Court, Suite 400, Toronto, Ontario, on the 3d day of December, 2010.

APPEARANCES:

Angela Holland, counsel for the Administration

Robert Burgess, Q.C. counsel for Doug McNair

1 hearing continued ...

2 HEARINGS CLERK: All rise.

3 MADAME CHAIR: Please be seated. In the matter of Doug McNair
4 SB42437, ORC violation 22.23.04, failure to keep a hand in each line for the entire
5 race while driving ARACACHE HANOVER in race 12 at Flamboro Downs on August
6 the 15th, 2010, second offence. The Judges were correct in noting the violation. The
7 Commission has worked hard on implementation of the whipping rule and its
8 enforcement for the protection of the horse and the perception of the betting public.
9 The Judges are asked to be consistent by the horsemen but in this case I believe that
10 when a driver is clearly celebrating a victory that it was not his intent to violate the
11 rule. For these reasons I am allowing the appeal. Rule 22.23.05 does allow that the
12 Judges may assess one of the penalties and in this case I believe that no penalty is
13 warranted. Any questions?

14 MR. BURGESS: Thank you.

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