



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 RANDY WAPLES

On February 23, 2012, standardbred licensee Randy Waples, (“WAPLES”) (Licence #H4139), appealed Judges’ Ruling SB 43988 wherein he was fined \$200 and suspended from driving for 3 days for striking the shaft of the race bike with his whip, in race 3 at Woodbine Racetrack on February 16, 2012, a violation of Rule 22.23.03(d) of the Rules of Standardbred Racing.

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

Rick Rier appeared as agent for the Administration. WAPLES attended the hearing in person and was represented by Anthony MacDonald.

Upon hearing the testimony of Judge Dave Stewart, Anthony MacDonald and WAPLES, and upon hearing closing submissions, the Panel dismissed the appeal but varied the penalty to a fine of \$500 and no driving suspension.

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

Dated at Toronto, Ontario this 19th 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

RANDY WAPLES

Held Before:

Rod Seiling, Chairman

These are an excerpt of the proceedings in the above mentioned matter held before The Ontario Racing Commission, Re: **RANDY WAPLES**, 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.

Appearances:

Rick Rier,

agent for the Ontario Racing
Commission Administration

Anthony MacDonald,

agent for the Appellant
Waples

1 Hearing continued ...

2 MR. CHAIRMAN: All rise. Please be seated. The issue
3 before us today is did the appellant Randy Waples violate
4 Standardbred Rule 22.23.03(d) on February 16th, 2012 at
5 Woodbine. The parties agreed Mr. Waples violated Standardbred
6 Rule 22.23.03(d) by hitting the shaft of the race bike. The video of
7 the race clearly shows the whip hitting the shaft of the bike. The
8 testimony of Mr. Waples on a balance of probabilities is
9 reasonable in that given the race bike design and the tap tap of
10 his whip that he did not hit the horse. The penalty assessed by
11 the Judges is varied with a fine of \$500.00. The panel took into
12 consideration mitigating factors. They were the lack of intent re
13 the whipping motion, his previous good record and the exemplary
14 way he drives horses day in and day out. The penalty variation is
15 based on an allowable strict liability defence as it relates to
16 penalty only. The panel also notes the Judges acted appropriately
17 in assessing the violation and the penalty. Any questions? Thank
18 you.

19 MR. RIER: So just to clarify, it is a \$500.00 fine and no
20 days?

21 MR. CHAIRMAN: No days. It is varied.

22 MR. RIER: Thank you.

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