



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 JOHN YAKE**

On February 13, 2012 standardbred trainer John Yake, (“YAKE”) (Licence #B37354), appealed Judges’ Ruling SB44813, dated February 13, 2012, wherein the horse Charlie Tuna finished 4<sup>th</sup> in a dead-heat, and was placed 6<sup>th</sup> for a violation of Rule 22.27(c) 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. YAKE attended the hearing and was represented by his son Chris Yake.

Upon hearing the testimony of Judge Jeff Minler, driver Rob Sparling Jr. and, upon reviewing the exhibits filed, and upon hearing the submissions of Rick Rier and Chris Yake, the Panel allowed the appeal.

The order of finish is to be restored to the original order:

Charlie Tuna – 4<sup>th</sup> in a dead-heat  
Strike Force – 4<sup>th</sup> in a dead-heat  
Yesterdays News – 5<sup>th</sup>

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

**JOHN YAKE**

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: **JOHN YAKE**, 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

Chris Yake,

agent for the Appellant Yake

1 Hearing continued ...

2 MR. CHAIRMAN: The issue before us today is did the horse CHARLIE  
3 TUNA violate Standardbred Rule 22.27(c) on February 10th, 2012 at Western Fair.  
4 After carefully listening to the testimony and reviewing the evidence and the  
5 documents filed the panel accepts the appeal. The standard of proof of course is on  
6 the balance of probabilities with the onus of proof on the Administration of the ORC.  
7 The video of the race clearly shows the horse on the lead or close to it when the gate  
8 closes. The horse a number of frames later is clearly behind at least two other  
9 horses. The testimony of Judge Minler clearly showed the horse is in compliance  
10 with the rules when the horse had reached the first turn and is about six lengths back  
11 at that point in time. Therefore, the original placing of the race is restored, dead heat  
12 for 4th.

13 The panel took into consideration Ruling number SB 028/2010 and submits  
14 this decision is consistent with that ruling. There is a requirement to lose ground  
15 when a horse is on a break and CHARLIE TUNA, based on the video evidence,  
16 continuously loses ground throughout that period. Thank you. Any questions?

17 MR. YAKE: Nothing, sir.

18 MR. RIER: Nothing. Thank you.

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24 CERTIFIED CORRECT \_\_\_\_\_  
25 RAYMOND P. MACDONALD, B.A., CVR  
26 Commissioner of Oaths  
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