



COMMISSION HEARING

TORONTO, ONTARIO – FEBRUARY 22, 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
STANDARD BREED LICENSEE JAY POLIFRONI**

On December 17, 2011, standardbred trainer Jay Polifroni, ("POLIFRONI") (ORC Licence #W0677), appealed the Judges' Ruling SB44143, wherein he was fined \$200 for a violation of Rule 26.12 of the Rules of Standardbred Racing, for failing to have the horse "XLR Ray Shun King" into the paddock within the prescribed time at Sudbury Downs on December 17, 2011.

On February 22, 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. POLIFRONI attended the hearing in person and was unrepresented.

Upon hearing the submissions of Rier, Judge Pat Webb, and POLIFRONI, the Panel dismissed the appeal.

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

Dated at Toronto, Ontario this 1st day of March 2012.

BY ORDER OF THE COMMISSION

Steve Lehman
Acting Executive Director

ONTARIO RACING COMMISSION

STANDARD BRED B HEARING

IN THE MATTER OF THE RACING COMMISSION ACT, 2000,
S.O. C.20 AND THE RULES OF STANDARD BRED RACING:

IN THE MATTER OF THE APPEAL AND REQUEST FOR
HEARING OF **JAY POLIFRONI**:

Held Before:

Rod Seiling, Chairman

These are an excerpt of the proceedings in the above mentioned matter held before The Ontario Racing Commission, Re: **JAY POLIFRONI**, taken before Toronto Court Reporters, Suite 1410, 65 Queen Street West, Toronto, Ontario, at 10 Carlson Court, Suite 400, Toronto, Ontario, on the 22nd day of February, 2012.

Appearances:

Rick Rier,

agent for the Ontario Racing
Commission Administration

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Hearing continued ...

MR. CHAIRMAN: All rise. Please be seated. The issue before me today is did the appellant Jay Polifroni violate Rule 26.12 on December 17th at Sudbury Downs. After carefully listening to the testimony and reviewing the evidence and the documents filed the panel denies the appeal. The standard of proof is on the balance of probabilities with the onus of proof on the Administration of the ORC. Based on the evidence it is reasonable to conclude that the appellant Jay Polifroni violated Rule 26.12. The testimony of Judge Webb, on the balance of probabilities, is preferable and reasonable as to the blatant violation. The penalty assessed by the Judges is not varied and is set at \$200.00. The panel took into consideration the mitigating and aggravating factors but given the ample time to get the vet and the apparent no attempt at such the Administration asked for a frivolous appeal under Rule 6.8 of the Act. The panel is tempted and acknowledges the basis of the request but given the cost of the appellant coming from Sudbury for this appeal and that other appeals are being heard in conjunction it will not rule as such. Thank you. Any questions?

MR. RIER: No thank you, sir.

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