



COMMISSION HEARING

TORONTO, ONTARIO – DECEMBER 19, 2012

**IN THE MATTER OF THE *RACING COMMISSION ACT*, S.O. 2000, c. 20;
AND IN THE MATTER OF AN APPEAL AND REQUEST FOR HEARING
STANDARD BRED LICENSEE PAT HALES**

On September 4, 2012, the Judges issued Standardbred Official Ruling SB4469 wherein the horses "Oakland Bay" and "Just Fool Around", owned by Pat Hales ("Hales") were refused declaration and placed on the Judges' List pursuant to SB Rules 1.09, 5.17 and 20.02(a) - the Judges may refuse the declaration of any horse for any reason they consider proper. A horse so refused shall be placed on the Judges' List. In the opinion of the Judges, the racing of these horses is not in the best interest of racing.

On September 4, 2012, Hales filed a Notice of Appeal, pursuant to Rule 24.01(b) of the Rules of Standardbred Racing.

On December 19, 2012, a Panel of the Ontario Racing Commission ("ORC"), comprised of Chair Rod Seiling, convened for the purpose of hearing this matter.

Tom Miller appeared on behalf of the Administration of the ORC. Hales appeared and was represented by Brian Tropea.

After listening to the evidence of Senior Judge Craig Walker, an arrangement was made to facilitate a trainer transfer which would allow the horses to be declared to race with the following condition:

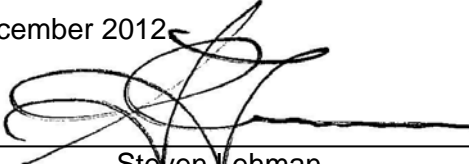
1. The ORC investigators will have to be given entry at any time to where the horses are located. If they find that Mike Hales in any way is associated with either horse at the time they are racing, the horses will automatically be returned to the Judges' List. There will be no Judges' hearing and the ORC will have to be involved in the civil judgment as to where monies are going.

After this arrangement was agreed upon Hales dropped her appeal.

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

Dated at Toronto, Ontario this 21st day of December 2012

BY ORDER OF THE COMMISSION



Steven Lehman
Executive Director

ONTARIO RACING COMMISSION
STANDARD BRED HEARING
IN THE MATTER OF AN APPEAL AND REQUEST FOR HEARING OF
PAT HALES

Held Before:
Rod Seiling, Chairman

These are an excerpt of the proceedings in the above mentioned matter held before The Ontario Racing Commission, Re: **PAT HALES**, taken before Toronto Court Reporters, Suite 1410, 65 Queen Street West, Toronto, Ontario, at 10 Carlson Court, Suite 400, Toronto, Ontario, on the 19th day of December, 2012.

Appearances:

Tom Miller, Agent for the Ontario Racing
Commission Administration

Brian Tropea, Agent for Pat Hales

Hearing commenced ...

1 MR. CHAIRMAN: I am prepared to accept the agreement. I will allow the transfer based
2 on the outline between you and Mr. Miller but I am going to put a codicil to it that is - the ORC
3 investigators will have to be given entry at any time to where the horses are located. If they
4 find that Mike Hales in any way is associated with either horse at the time they are racing
5 that the horses will automatically be returned to the Judge's list. There will be no Judge's
6 hearing. They will automatically go back to there and I don't think we have to be involved in
7 the civil judgement as to where monies are going.

8 MR. MILLER: There has been some discussion but I don't believe it has to be put into
9 the record.

10 MR. CHAIRMAN: I wouldn't think so.

11 MR. MILLER: There is an agreement in place.

12 MR. CHAIRMAN: There is an agreement in place. We shouldn't get involved in that. It
13 is not our jurisdiction.

14 MR. MILLER: I agree.

15 MR. CHAIRMAN: And we shouldn't go there. So I think that ...

16 MR. MILLER: I think this should bring it --

17 MR. CHAIRMAN: To a close.

18 MR. MILLER: Everybody is clear what everybody needs to do to get these horses
19 racing which is what Mrs. Hale wishes at this time.

20 MR. CHAIRMAN: So the only thing I think we need to do is the appellant needs to agree
21 that based on the arrangement she has worked out with Judge Walker that she is
22 withdrawing the appeal.

23 MR. TROPEA: Yes, we are agreeable to that.

24 MR. CHAIRMAN: We're adjourned.

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