



COMMISSION HEARING

TORONTO, ONTARIO – DECEMBER 7, 2011

**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 SCOTT WRAY**

On November 12, 2011, the Judges issued Standardbred Official Ruling SB 42183 wherein Scott Wray ("Wray") was given the fine of \$200 and a three-day driving suspension for violation of SB Rule 22.23.01 (a) & (b), for indiscriminate and excessive use of the whip while driving "Greenlight Special" in race #10 on November 11, 2011, at Western Fair Raceway.

On November 12, 2011, Wray filed a Notice of Appeal, pursuant to Rule 24.01(b) of the Rules of Standardbred Racing

On December 7, 2011, a Panel of the Ontario Racing Commission ("ORC") comprised of Commissioner John Macdonald, convened for the purpose of hearing this matter.

Neil McCoag appeared on behalf of the Administration of the ORC. Wray attended the Hearing and was unrepresented.

After reviewing the evidence, hearing the testimony of Judge John Dorion and driver Scott Wray, and upon considering the closing submissions, the Panel denied the appeal

The penalty of \$200 and three-day driving suspension remains. The days to be served as determined by the judges are December 14, 15 and 16, 2011. The Panel also imposed a fine of \$200 for a frivolous appeal.

The transcript with the Panel's Oral Decision is attached to this Ruling.

DATED at Toronto this 21st day of December 2011.

BY ORDER OF THE COMMISSION


John L. Blakney
Executive Director

ONTARIO RACING COMMISSION
STANDARD BRED HEARING
IN THE MATTER OF THE APPEAL AND REQUEST FOR HEARING OF
SCOTT WRAY

Held Before:

John Macdonald, Commissioner

These are an excerpt of the proceedings in the above mentioned matter held before The Ontario Racing Commission, Re: **SCOTT WRAY**, taken before Toronto Court Reporters, Suite 1410, 65 Queen Street West, Toronto, Ontario, at 10 Carlson Court, Suite 400, Toronto, Ontario, on the 7th day of December, 2011.

Appearances: Neil McCoag, agent for the Ontario Racing
 Commission Administration

1 Hearing continued ...

2 MR. CHAIRMAN: Well, Mr. Wray, I am going to deny the appeal. The film which we
3 reviewed made it quite clear that in the stretch you were using the whip way too much for
4 what was there. You didn't give the horse any opportunity to respond although you stated
5 yourself that you thought maybe she might have stopped or slowed down if you had
6 continued after her but the excessive use of the whip is something we are definitely trying to
7 discourage and in this case the evidence is quite clear that that is what you did. So the fine
8 will stay as is. Now you have said you weren't familiar with what went on here but Mr.
9 McCoag pointed out to you that we do have the authority to decide when an appeal is
10 frivolous and we have the right to go up to \$1,500 fine for a frivolous appeal. I'm not sure
11 that you should even have appealed this case from what I can see. It seemed pretty clear
12 and you did have the opportunity with the Judges to review the film and you could go and
13 see it on the Saturday and you came in promptly and that's fine, and you have had urging
14 violations in the past as I understand it, although, that didn't count as this is actually a first
15 offence, a first offence in 2011. I'm going to make it a little easier on you than I could but I'm
16 going to add another \$200.00 for a frivolous appeal. So you have got the \$200.00 fine to pay
17 and you are going to have another \$200.00 for a frivolous appeal. We want to discourage
18 when it is pretty obvious; you saw the film and you knew what was happening so I'm hoping,
19 no offence but I hope I don't see you again.

20 MR. WRAY: I hope so too.

21 MR. CHAIRMAN: Thank you.

22 MR. MCCOAG: Thanks.
23

24 CERTIFIED CORRECT

25 _____
26 RAYMOND P. MACDONALD, B.A., CVR
27 Commissioner of Oaths