



COMMISSION HEARING

TORONTO, ONTARIO – MAY 29, 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
STANDBRED LICENSEE DOUG MCNAIR**

On March 28, 2012, the Administration issued Standardbred Official Ruling SB33/2012 wherein Doug McNair (McNair), was given the penalty of a 10-day driving suspension with 3 days of the suspension stayed and two years probation for failing to attend a hearing on February 22, 2012, pursuant to a "Summons to a Witness" and ORC Rule 24.03 of the Rules of Standardbred Racing

On March 26, 2012, McNair filed a Notice of Appeal, pursuant to Rule 24.01(b) of the Rules of Standardbred Racing.

On May 29, 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. McNair attended the Hearing and was unrepresented.

McNair requested an adjournment to accommodate counsel and was granted his request.

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

DATED at Toronto this 4th day of June 2012.

BY ORDER OF THE COMMISSION


John L. Blakney
Executive Director

ONTARIO RACING COMMISSION
STANDARD BRED HEARING
IN THE MATTER THE APPEAL AND REQUEST FOR HEARING OF
DOUG MCNAIR

Held Before:

Rod Seiling, Chairman

These are an excerpt of the proceedings in the above mentioned matter held before The Ontario Racing Commission, Re: **DOUG MCNAIR**, taken before Toronto Court Reporters, Suite 1410, 65 Queen Street West, Toronto, Ontario, at 10 Carlson Court, Suite 400, Toronto, Ontario, on the 29th day of May, 2012.

Appearances:

Tom Miller, Agent for the Ontario Racing Commission
Administration

1 MR. CHAIRMAN: Well, I am going to read into the record
2 under Ontario Racing Commission Rules of Procedure on
3 adjournments 10.16: "Adjournments: except in extraordinary
4 circumstances, the Commission may refuse an adjournment
5 where under (d) where the only ground for the adjournment is that
6 the party unreasonably delayed retaining a representative."
7 Notwithstanding that I am going to grant you the adjournment but
8 the hearing will be peremptorily set for June 19th.

9 MR. MCNAIR: Okay.

10 MR. CHAIRMAN: So the hearing will take place June 19th
11 irrespective. There are no more adjournments. You are lucky you
12 are getting your adjournment quite frankly. It is disrespect to the
13 process but I am granting it to you.

14 MR. MCNAIR: Thank you.

15 MR. CHAIRMAN: So come back prepared for June 19th.

16 MR. MCNAIR: Okay.

17 MR. CHAIRMAN: Okay.

18 MR. MCNAIR: Thank you.

19 MR. MILLER: If you have misplaced the book keep that
20 copy.

21 MR. CHAIRMAN: You might want to give that to your
22 lawyer given he has --

23 MR. MCNAIR: I sent everything to him.

1 MR. CHAIRMAN: Well, not according to the letter asking
2 for a disclosure package. So somewhere along the line you and
3 he better get on the same page.

4 MR. MCNAIR: I just can't believe this is the only
5 disclosure I'm going to get so ...

6 MR. CHAIRMAN: And you might want to remind him that it
7 is a peremptorily set date. He will know what that means.

8 MR. MCNAIR: Okay. June 19th at?

9 MR. CHAIRMAN: I would guess it is going to be - there
10 are two other hearings so I'm going to guess 1:00 but Ms. Wright
11 will confirm by way of a notice of the exact time. We are just
12 slotting it in. There are further hearings at that time but I'm going
13 to guess it is 1:00.

14 MR. MCNAIR: Okay.

15 MR. CHAIRMAN: You are excused.

16 MR. MCNAIR: Thank you.

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