



September 25, 2019

STANARDBRED DIRECTIVE NO. 4 – 2019 – Distribution of Bulletproof Funds

Preamble

WHEREAS as of January 26, 2010, Terry BROOKS (#7306T0), Jeffrey BROOKS (#6368T7) and Andrew BROOKS (#962K25) were licensed as Owners under the *Racing Commission Act, 2000, S.* 2000, c.20 (the "RCA"), and Rules of Standardbred Racing as amended;

AND WHEREAS as of January 26, 2010, Victoria BROOKS (#718K13) had recently applied for and received a stable licence effective January 11, 2010;

AND WHEREAS as of January 26, 2010, BULLETPROOF ENTERPRISES (#862K92), GOLDFINGER ENTERPRISES (#301L09), SEIZE THE DAY INDUSTRIES (#065L81), VAE LLC (#374J40) were stables associated with one or more of Terry BROOKS, Jeffrey BROOKS, Andrew BROOKS and Victoria BROOKS (together, the "Licensees");

AND WHEREAS on January 26, 2010, the Director, Ontario Racing Commission ("Director") found that (a) there were reasonable ground to believe that, while the Licensees carry out the activities for which a licence is required, the Licensees will not act in accordance with the law, or with integrity, honesty, or in the public interest, having regard to the past conduct of the Licensees; (b) the Licensees' conduct has placed the integrity of the horse racing industry in Ontario in question; and (c) the public interest required that the Licensees be suspended immediately (the "Order for Immediate Suspension");

AND WHEREAS on January 26, 2010, the Director issued Standardbred Ruling Number S.B. 14/2010 (the "Freeze Order") whereby he ordered that all Associations hold, freeze and maintain all funds, purse accounts or other monies related to the Licensees and Perfect World Enterprises (#185E79);

AND WHEREAS on or about January 26, 2010, Woodbine Entertainment Group froze funds held on behalf of the Licensees in the amount of \$809,566.38 pursuant to the Freeze Order (the "Frozen Purse Monies");

AND WHEREAS on February 2, 2010, the Director issues a Notice of Proposed Order to suspend the Licensees;

AND WHEREAS on February 10, 2010, the Licensees requested a hearing before the Ontario Racing Commission;

AND WHEREAS on or December 20, 2010, Anderson & Goodrow Equine Veterinary Professional Corp. and Doyle Bloodstock Transportation Inc., creditors of the BULLETPROOF ENTERPRISES INC., each filed Notices of Garnishment in the Ontario Superior Court of Justice – Toronto Small Claims Court, listing Woodbine Entertainment Group as Garnishee (Court File No. SC-10-110002-00 and Court File No. SC10-95124-00, respectively);

AND WHEREAS on March 30, 2011, the Ontario Superior Court of Justice – Toronto Small Claims Court ordered that Woodbine Entertainment Group pay \$45,511.68 of the Frozen Purse Monies into court pending the resolution of proceedings commenced pursuant to the Notice of Proposed Order and Hearing dated February 2, 2010;

AND WHEREAS on or about April 7, 2011, Woodbine Entertainment Group accordingly paid \$45,511.68 of the Frozen Purse Monies into the Ontario Superior Court of Justice – Toronto Small Claims Court pursuant to its Order dated March 30, 2011 (the “Small Claims Monies”);

AND WHEREAS on April 30, 2013, the Ontario Racing Commission resolved proceedings arising out of the Notice of Proposed Order dated February 2, 2010 as against GOLDFINGER ENTERPRISES (#301L09), SEIZE THE DAY INDUSTRIES (#065L81), VAE LLC (#374J40), Terry BROOKS, Andrew BROOKS and Victoria BROOKS in exchange for the payments of fines and forfeiture of certain purses that are not subject to the Forfeiture Order (defined below);

AND WHEREAS in Reasons for Decision dated August 29, 2013, a Panel of the Ontario Racing Commission found that Jeffrey Brooks and BULLETPROOF ENTERPRISES had contravened Rules 6.13.01, 3.09, 6.13.01 and 6.20 of the *Rules of Standardbred Racing*;

AND WHEREAS in Reasons for Decision dated August 29, 2013, a Panel of the Ontario Racing Commission granted an order declaring the ineligibility of the following horses to race and to compete for purse money and disqualifying as ineligible the horses raced by BULLETPROOF ENTERPRISES in Ontario in 2009 and 2010 as follows:

Horses Raced in 2009

- | | |
|---------------------|---------------------------|
| 1. A Filly to Fear | 54. Kato Not Now |
| 2. Ala Carte Bill | 55. Lisdean |
| 3. Amazon Art | 56. Little Gold Ring |
| 4. Babylon Sister | 57. Live Free or Die Hard |
| 5. Betting Terror | 58. Lord Terror |
| 6. Big Lead | 59. Marietta Hall |
| 7. Blind to See | 60. Michael Dee Miami |
| 8. Blue Suede Shoes | 61. Model Magnate |

9. Bouncing Hanover
10. Bridled Terror
11. Bring Home Hinda
12. Brooklyns Best
13. Candy Hall
14. Cannae Camme
15. Change the Locks
16. Cheap Motel
17. China Art
18. Cinderella Guy
19. Cold Chills
20. Comache Hall
21. Coming Late
22. Coming on Time
23. Cuz She Can
24. Dangerous Years
25. Did It Again
26. Doctor Seth
27. Dome on a Rock
28. Don't Give Up
29. Drink Up
30. Electric Energy
31. Everyday
32. Everyone Counts
33. Fashion Week
34. Fast Standing Still
35. Final Curtain
36. Four Starz Credit
37. Front Cover
38. Go Shuffle
39. Gotta Travel On
40. Great Vodka
41. Heard It
42. Higher and Higher
43. Iamperfectright
44. Ideal Race
45. If I can Dream
46. In Da Club
47. In Sight
48. In the Studio
49. Island Terror
50. It Hurts Me
51. It Was An Honor
52. Just Coming
53. Kabbala Karen B
62. Moving In Together
63. Need A Job
64. No Gain
65. Not Enough
66. One More Drink
67. Oscar Oscar
68. Overwhelming Shae
69. Paris the Heiress
70. Penthouse View
71. Political Terror
72. Power Off
73. Private Splendor
74. Professor Jeff
75. PW Love
76. Pw Roma Lover
77. PW Tootsie
78. PW True to You
79. Rescue Plan
80. Revolutionary Foe
81. Riggins
82. Runaway Energy
83. Sandy Annir
84. School Kids
85. Sexy Grin
86. Shacked Up
87. Short Words
88. Showherthemoney
89. Six Pistol
90. Slow Service
91. Straight Shooting
92. Terroronthebeach
93. The Life Boat
94. Thinkinonlyofyou
95. Vertical Horizon
96. Victim of Love
97. Waffles and Cream
98. Western Comedy
99. Western Thorn
100. Whin I call
101. White Sand
102. Withheld Info
103. Yellow Diamond
104. You Don't know Me
105. Youkeepmehangingon

Horses Raced in 2010

106. Amazon Art	113. One More Drink
107. Big Lead	114. Power Off
108. Blue Suede Shoes	115. Revolutionary Foe
109. Cheap Motel	116. Riggins
110. Cinderella Guy	117. Runaway Energy
111. Ideal Race	118. School Kids
112. Marrietta Hall	119. Waffles and Cream

AND WHEREAS in Reasons for Decision dated August 29, 2013, a Panel of the Ontario Racing Commission ordered that any purse funds by the named horses being held under the Freeze Order be forfeited by the Applicants and redistributed amongst the owners entitled pursuant to the rules of racing (the “Forfeiture Order”);

AND WHEREAS Rule 18.08.03 provides for the re-seeding of placement and re-distribution of purse monies in the event of a disqualification;

AND WHEREAS the Forfeiture Order affects the seeding of 1,025 races in 2009 and 2010 (the “Affected Races”);

AND WHEREAS in April 2016, the powers and duties of the Ontario Racing Commission were transferred to the Alcohol and Gaming Commission of Ontario (“AGCO”) and the Registrar (“Registrar”) upon the proclamation into force of the *Horse Racing Licence Act, 2015*, S.O 2015, c. 38.

AND WHEREAS by January 2018, Jeffrey BROOKS and BULLETPROOF ENTERPRISES had exhausted all avenues to appeal the Forfeiture Order, appeals to the Divisional Court and Ontario Court of Appeal having been dismissed and the time for applying for leave to appeal to the Supreme Court of Canada having expired;

AND WHEREAS the re-seeding and re-distribution in accordance with Rule 18.08.03 would require the identification, notification and participation of each owner, trainer and driver entitled to participate in the purse distribution with respect to every horse that participated in every one of the Affected Races;

AND WHEREAS the passage of time in the period since the Affected Races occurred in 2009 and 2010, and during the pendency of the hearing and appeal process, has prejudiced the Registrar’s ability to accurately identify, locate and direct payment of the appropriate share of the purse distributions to the participants;

AND WHEREAS the Registrar is of opinion that the administrative cost of re-seeding and re-distributing the Frozen Purse Monies to participants in the Affected Races is likely to exceed the Frozen Purse Monies;

AND WHEREAS the Registrar has determined that it is in the best interest of racing to direct the Frozen Purse Monies to the benefit of the Ontario racing industry as a whole and not to unwind all of the purse distributions from the Affected Races;

AND WHEREAS the Registrar has the power to govern, direct, control and regulate horse racing in Ontario in any or all of its forms, and to govern, control and regulate the operation of race tracks in Ontario at which any form of horse racing is carried on, pursuant to section 2 of the *Horse Racing License Act, 2015*;

AND WHEREAS the Commission, through the Registrar, has the authority to make rules for the conduct of horse racing, including the *Rules of Standardbred Racing* and General and Standardbred Directives;

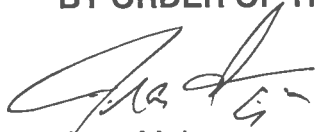
AND WHEREAS the Registrar has the absolute discretion to waive the application of the *Rules* pursuant to his statutory authority and as confirmed in Rule 1.09 of the *Rules of Standardbred Racing*;

NOW THEREFORE TAKE NOTICE that the Registrar orders and directs as follows:

1. Effective October 11, 2019, Woodbine Entertainment Group shall pay all Frozen Purse Monies and any interest earned on the Frozen Purse Monies, within its possession, power and control to the Ontario Lottery and Gaming Corporation (“OLG”);
2. Effective October 11, 2019, Woodbine Entertainment Group shall take all reasonable steps to secure the Small Claims Monies and shall pay them or cause them to be paid to OLG upon release from the Ontario Superior Court of Justice – Toronto Small Claims Court;
3. The Frozen Purse Monies shall be used only for Standardbred purses;
4. The Frozen Purse Monies are to be distributed consistent with OLG’s authority in respect of support for horse racing;
5. Within one year of the date of this Standardbred Directive, the OLG will report to the Registrar with respect to how and for what purpose the purse funds have been or are being disbursed, the first report to be provided on or before October 1, 2020;
6. If requested, OLG will provide the Registrar access to any financial records, receipts, invoices or other financially-related documents, relating to any purse funds received from the AGCO in relation to this Directive;

7. Notwithstanding Rule 24.01 of the *Rules of Standardbred Racing*, there shall be no appeal or review of this Directive to the Horse Racing Appeal Panel, and the Registrar hereby waives the application of Rule 24.01 to this Standardbred Directive.

BY ORDER OF THE REGISTRAR



Jean Major
Registrar