



COMMISSION HEARING

TORONTO, ONTARIO – AUGUST 28, 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
STANDARDBRED LICENSEE STEPHANE GENDRON**

On May 11, 2012, the Judges issued Official Ruling SB 44722 wherein Stephane Gendron ("GENDRON") was issued a fine of \$500 and a fifteen-day driving suspension for aggressive use of the whip, striking his horse "Rosridge Handsome" with the whip and causing welts during the seventh race on May 4, 2012 at Rideau Carlton Raceway.

On May 11, 2012, GENDRON filled a Notice of Appeal, pursuant to Rule 24.01 (b) of the Rules of Standardbred Racing.

On August 28, 2012, a Panel of the Ontario Racing Commission ("ORC"), comprised of Chair Rod Seiling, convened for the purpose of hearing this matter.

Brian Newton appeared on behalf of the Administration for the ORC. GENDRON attended the hearing in person and was self represented. Translation was provided by Sandy Ludosky from All Languages Ltd.

Upon reviewing the evidence, and hearing the testimony of Senior Judge John Campbell, Starter James Fiolek and Association Veterinarian Dr. Lynne Blackburn, reviewing the exhibits filed and considering the closing submissions, the Panel denied the appeal. GENDRON will now serve his fifteen day driving suspension, minus two days already served starting September 2 through to September 14, 2012, inclusive and pay a \$500 fine due upon his return.

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

Dated at Toronto, Ontario this 31st day of August 2012.

BY ORDER OF THE COMMISSION


John L. Blakney
Executive Director

ONTARIO RACING COMMISSION

STANDARD BRED HEARING

IN THE MATTER OF AN APPEAL AND REQUEST FOR HEARING OF

STEPHANE GENDRON

Held Before:

Rod Seiling, Chairman

These are an excerpt of the proceedings in the above mentioned matter held before The Ontario Racing Commission, Re: **STEPHANE GENDRON**, taken before Toronto Court Reporters, Suite 1410, 65 Queen Street West, Toronto, Ontario, at 10 Carlson Court, Suite 400, Toronto, Ontario, on the 28th day of August, 2012.

Appearances:

Brian Newton,

agent for the Ontario Racing
Commission Administration

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Hearing continued ...

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MR. CHAIRMAN: Please be seated. The issue did the appellant Stephane Gendron violate standardbred rules 22.23.01(c) and 22.23.03(e) on May 4, 2012 at Rideau Carlton Raceway. The decision: after carefully listening to the testimony and reviewing the evidence and documents filed the panel denies the appeal. The reasons for decision: the standard or proof is on a 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 Mr. Gendron violated Rules 22.23.01(c) and 22.23.03(e). The combined testimony of Judge Campbell, starter Fiolek and veterinarian Dr. Blackburn is preferable and reasonable and supports that Mr. Gendron did cause the welts on the horse with his whip. Furthermore, he admitted to hitting the horse once. Based on the penalty guidelines the penalty assessed by the Judges is not varied and is set at fifteen days with a fine of \$500.00 with I think two days already served.

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MR. NEWTON: Right.

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MR. CHAIRMAN: The panel took into consideration the following aggravating factors. The welts on the horse were on the left side and Mr. Gendron is left-handed and in combination with the fact there were welts as per the pictures and the testimony of both starter Fiolek and Judge Campbell as to the temperament of Mr. Gendron leaving following the race. Mr. Gendron shows no remorse. He submitted that he had not had an urging violation within the past year which was incorrect. The industry needs to know that the ORC will not tolerate any mistreatment of horses and will punish violators accordingly. The hearing is ended.

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CERTIFIED CORRECT

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RAYMOND P. MACDONALD, B.A., CVR

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Commissioner of Oaths