



COMMISSION HEARING

TORONTO, ONTARIO – MAY 9, 2013

**NOTICE OF DECISION**

**IN THE MATTER OF THE RACING COMMISSION ACT, S.O. 2000, c.20;  
AND IN THE MATTER OF THE MIKE SAFTIC APPEAL**

Mike Saftic (“Saftic“) appealed against Ruling Number SB 45815.

Date of Hearing: May 9, 2013

ORC Panel Members: Commissioner John W. Macdonald

Representative for Appellant: Self-represented


Representative for the Administration: David Stewart

The Panel denied the appeal but varied the penalty.

Saftic will serve his 5-day suspension from May 14 to May 18, 2013, inclusively.

A transcript with the Panel’s oral Reasons for Decision is attached to this Notice.

DATED at Toronto this 16<sup>th</sup> day of May 2013.

  
Steven Lehman  
Executive Director



THE COMMISSIONER: Mr. Saftic, I watched  
2 the video, seen them all. To me, while it's of  
3 little doubt that certain occasions there was  
4 motion not just holding it against the hind  
5 quarters, it appeared to be an upper motion.  
6 It wasn't -- you are quite right the urging  
7 rules were designed to help the public  
8 understand that we're not allowing  
9 indiscriminate hitting of the horse,  
10 particularly here. The other two offences were  
11 there and the judges has indicated Mr. Walker  
12 -- that he felt their hands were tied, but they  
13 still decided it was (inaudible) -- whip.

14 Yes, there was a use of whip and  
15 it wasn't like you were beating the horse like  
16 that. I can appreciate that. So the  
17 circumstances are different than some of the  
18 urging rules where there have been violations  
19 where people appeared before me where there was  
20 a little excessive use. And I don't think what  
21 I saw here was excessive, although there was  
22 certainly a motion.

23 While I'm going to deny the  
24 appeal, I'm going to vary the sentence that will  
25 go to suspending \$300 of the fine. So the fine

1 will be \$200, and I will also suspend the days  
2 from 15 down the five, provided the suspension  
3 lasts for one year, if there are no subsequent  
4 violations and the slate would be wiped clean.  
5 In other words, if there are no violations,  
6 urging violations, within the next year, the  
7 portion of the fine and the time of suspension  
8 will be absolved. So you still have, sitting  
9 here, the 15 days and the 500, but at this stage  
10 it's 200 and five days.

11 Now as to the time, I'm assuming  
12 that there is stay of offence?

13 MR. STEWART: If there is another  
14 violation by Mr. Saftic?

15 THE COMMISSIONER: Then the extra  
16 10 days and extra \$300 will apply.

17 MR. STEWART: Will apply, plus  
18 whatever penalty he receives for that violation.

19 THE COMMISSIONER: Yes. I'm not  
20 going to pre-judge the case in the future. So  
21 we're down to where it's the same basic fine  
22 that you had on February 16th.

23

--- Whereupon at 11:47 a.m. the proceedings  
25 were concluded.

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This is to hereby certify  
that the forgoing is a true

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and accurate transcript of  
the proceedings to the best  
of my skill and ability.

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Sandra Brereton  
Certified Court Reporter  
Registered Professional Reporter

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