



COMMISSION HEARING

TORONTO, ONTARIO – MAY 5, 2010

**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 DR. CHRISTINA LYNNE BLACKBURN**

On March 11, 2010, the Judges issued Standardbred Official Ruling SB 41427 wherein Dr. Christina Lynne Blackburn, ("Blackburn") was given the penalty of 6 months probation for violation of Standardbred Rule 1.09.

On March 21, 2010, Blackburn filed a Notice of Appeal, pursuant to Rule 24.01(b) of the Rules of Standardbred Racing.

On May 5, 2010, a Panel of the ORC, comprised of Commissioner John Macdonald, convened for the purpose of hearing this matter.

Tom Miller appeared on behalf of the Administration of the ORC. Blackburn attended the Hearing and was represented by Larry Todd.

After reviewing the evidence, hearing the testimony of Judge Pat Webb, and upon considering the closing submissions, the Panel allowed the appeal. Therefore Ruling SB 41427 is rescinded and the probation is quashed.

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

DATED at Toronto this 7th day of May 2010.

BY ORDER OF THE COMMISSION


John L. Blakney
Executive Director

ONTARIO RACING COMMISSION
IN THE MATTER OF THE APPEAL AND REQUEST FOR HEARING OF
LYNNE BLACKBURN

Held Before

John Macdonald, Chairman

This is an excerpt of the proceedings in the above mentioned matter held before The Ontario Racing Commission, taken before Toronto Court Reporters, Suite 1400, 65 Queen Street West, Toronto, Ontario, at 10 Carlson Court, Suite 400, Mississauga, Ontario, on the 5th day of May, 2010.

Appearances:

Tom Miller, for the Ontario Racing Commission
Administration

Larry Todd, for Lynne Blackburn

1 Hearing Continued:

2 THE CHAIRMAN: The difficulty I have here is the responsibility and we have a situation where Dr.
3 Blackburn has a locum acting for her, also a qualified veterinarian so while Dr.
4 Blackburn has the ultimate responsibility to see that the locum was there and did
5 the job, yes, but only unfortunately in part. The question is whether Dr.
6 Berthiaume had any responsibility to make sure that the CTI did his job. Well,
7 obviously he didn't, he's put on probation. He's accepted that and that in my view
8 is where the responsibility lay in Dr. Berthiaume's case. It's difficult, Dr. Blackburn,
9 the fact that you were not at the track. The responsibility still was ultimately yours
10 and that's where the locum comes in. That's where I have the difficulty as far as
11 probation. I would expect that people in the industry will know what's happened to
12 Mr. Lacroix, there at least will be a message to the industry that, yes, there's a
13 form here because as Judge Webb points out this could have been -- had very
14 serious implications to the trainer if the test had been positive. It may have been
15 straightened out later on but a lot of damage would have been done in the
16 meantime. So while I like the judge's attitude, very forward here, you know, and as
17 confident as you are of your work, Dr. Blackburn, unfortunately it may have gone a
18 little too far. Hindsight is always easier as to the length of the probation but the
19 probation obviously does some damage to your reputation, it's going to be known
20 probably in the industry that you have had a hearing but I feel that notwithstanding
21 that the judges did what they thought was right at the time, I'm going to allow the
22 appeal and remove the probation. I'm persuaded by the fact that it's difficult.
23 Normally when something is on probation or there's a fine, or they're suspended
24 for various reasons there is an ultimate penalty. Obviously I can appreciate that
25 what Judge Webb hoped to do here was find out what would that penalty be. If it's
26 a breach of one of the other rules, The Rules of Standardbred Racing, you know,
27 those would stand on its own. This type of thing is not likely to happen again,
28 mostly because Mr. Lacroix and anyone else in his position will make darn sure it

1 doesn't happen again. And I'm sure that most of the people at Rideau Carleton
2 who are in the backstretch involved in this will make darned sure it doesn't happen
3 again.

4 Anything further?

5 MR. TODD: No, thank you, sir.

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9 I hereby certify the foregoing to be a true
10 and accurate transcript as taken by me
11 to the best of my skill and ability.

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15 Maureen D. Hopkinson, CVR-CM,
16 Commissioner of Oaths.

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18 My certificate expires:

19 June 4, 2013.