



COMMISSION HEARING

TORONTO, ONTARIO – OCTOBER 13, 2010

**IN THE MATTER OF THE RACING COMMISSION ACT S.O. 2000, c.20;
AND IN THE MATTER IN THE APPEAL AND REQUEST FOR HEARING OF
STANDARD BREED LICENSEE JOANNE COLVILLE**

On August 5, 2010, the Judges issued Standardbred Official Ruling SB 42378 wherein the horse BIG BAY POINT was not placed for any violation of 22.09, in Race #3 at Mohawk Raceway on July 31, 2010 for the following reason:

The Judges ruled that when BIG BAY POINT did drift out in the stretch, there was no interference to KEYSTONE RAPTOR.

On August 1, 2010, Joanne Colville owner OF KEYSTONE RAPTOR filed a Notice of Appeal, pursuant to Rule 24.01(b) of the Rules of Standardbred Racing

On October 13, 2010, a Panel of the ORC, comprised of Chair Rod Seiling, convened for the purpose of hearing this matter.

Jeff Minler appeared on behalf of the Administration of the ORC. Joanne Colville attended the Hearing and was unrepresented.

After reviewing the evidence, hearing the testimony of Jeff Minler, Doug McNair and Jack Moiseyev, and upon considering the closing submissions, the Panel allowed the appeal.

The order of finish is as follows:

1. KEYSTONE RAPTOR
2. BIG BAY POINT
3. WINDSONG GORGEOUS
4. RED BUHLER
5. FUTURE MILLION
6. BROADIES SONG
7. TOUGHEST OF ALL

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

DATED this 18th day of October 2010.

BY ORDER OF THE COMMISSION


John L. Blakney
Executive Director

ONTARIO RACING COMMISSION

RE: STANDARD BRED HEARING

IN THE MATTER OF AN APPEAL AND REQUEST FOR HEARING OF

JOANNE COLVILLE

Held Before:

Rod Seiling, Chairman

This is an excerpt of a Hearing of the Ontario Racing Commission re: **JOANNE COLVILLE**, taken before Toronto Court Reporters, Suite 1410, 65 Queen Street West, Toronto, Ontario, at 10 Carlson Court, Suite 400, Toronto, Ontario, on the 13th day of October, 2010.

Appearances:

Jeff Minler,

agent for the Ontario Racing
Commission Administration



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1 Hearing continued ...

2 MR. CHAIRMAN: All rise. Please be seated. After carefully
3 listening to the testimony and reviewing the evidence and submissions the panel
4 upholds the appeal. Mr. McNair driving BIG BAY POINT comes out during the stretch
5 run and impedes the path of KEYSTONE RAPTOR. It is reasonable to conclude at
6 least some of KEYSTONE RAPTOR's momentum was lost by having driver Moiseyev
7 having to correct his horse's path. Judge Minler admits that this occurred at least
8 once but the film and testimony of driver Moiseyev is supporting this occurrence at
9 least three other times. As to Mr. Moiseyev's not filing an objection the panel accepts
10 his uncontroverted evidence that the Paddock Judge told him to await a call from the
11 Judges and not to call them.

12 With respect to Mr. McNair, he is referred to the ORC Administration
13 with respect to his late arrival as to any appropriate action. Any questions? Thank
14 you.

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21 CERTIFIED CORRECT: _____
22 RAYMOND P. MACDONALD, B.A., CVR
23 Commissioner of Oaths

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