



COMMISSION HEARING

TORONTO, ONTARIO – OCTOBER 20, 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  
STANDARDBRED LICENSEE ANTHONY MACDONALD**

On September 10, 2010, the Ontario Racing Commission issued Standardbred Official Ruling SB 160/2010 wherein MacDonald "MacDonald" was given the penalty of a fine of \$1,000 and a three-day full suspension for failure to attend a Hearing as a witness on July 21, 2010.

On September 10, 2010, MacDonald filed a Notice of Appeal, pursuant to Rule 24.01(b) of the Rules of Standardbred Racing.

On October 20, 2010, a Panel of the Ontario Racing Commission ("ORC"), comprised of Chair Rod Seiling convened for the purpose of hearing this matter.

Neil McCoag appeared on behalf of the Administration of the ORC. Anthony MacDonald attended the Hearing and was unrepresented.

After reviewing the Agreed statement of Facts, the Panel stayed the original penalty on the following conditions.

1. A warning letter with respect to MacDonald's failure to appear will be placed in MacDonald's ORC licence file for a 12-month period commencing on the date herein; and
2. If, during the 12-month period referenced above, MacDonald fails to appear for an ORC hearing despite being properly served, MacDonald shall be referred to the Deputy Director and in the event that a penalty is issued in respect of the failure to appear, such penalty shall be on the scale commensurate with a second offence within a 12-month period.

A transcript with the Panel's oral decision is attached to this Ruling.

DATED at Toronto this 22<sup>nd</sup> day of October 2010.

BY ORDER OF THE COMMISSION

  
John L. Blakney  
Executive Director

ONTARIO RACING COMMISSION  
**RE: STANDARDBRED HEARING**  
IN THE MATTER OF AN APPEAL AND REQUEST FOR HEARING OF  
**ANTHONY MACDONALD**

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Held Before:

Rod Seiling,                      Chairman

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This Hearing of the Ontario Racing Commission re: **ANTHONY MACDONALD**, taken before Toronto Court Reporters, Suite 1410, 65 Queen Street West, Toronto, Ontario, at 10 Carlson Court, Suite 400, Toronto, Ontario, on the 20th day of October, 2010 was adjourned to another date.

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Appearances:

Neil McCoag,

agent for the Ontario Racing  
Commission Administration

1 MR. CHAIRMAN: Mr. McCoag, I have got here in front of me two disclosure  
2 books. The one on the failure to attend a previous hearing let's call it Exhibit 1 and then I've  
3 got an agreed statement of facts. Let's call it Exhibit 2.

4 MR. MCCOAG: Correct.

5 MR. CHAIRMAN: And in that regard I am prepared to accept the agreed  
6 statement of facts and the recommended penalty.

7 MR. MCCOAG: Okay.

8 MR. CHAIRMAN: So that takes care of that. Then I have another disclosure  
9 book which why don't we call it 1A relating to a rule violation from I think race 6, July 17,  
10 2010 at Flamboro?

11 MR. MCCOAG: No, it was at Mohawk.

12 MR. CHAIRMAN: At Mohawk and I understand that you and the appellant  
13 have reached an agreement on that as well?

14 MR. MCCOAG: Yes. Normally, sir, for interference with contact we look at a  
15 five day suspension. However, this matter has been before the Commission before and held  
16 over. That day it was cancelled or held over Mr. MacDonald missed a day of driving that way  
17 so we are prepared to accept an adjustment to a three day driving suspension.

18 MR. CHAIRMAN: I'll accept that, your recommendation and I think that  
19 concludes the matters for both issues.

20 MR. MCCOAG: Okay.

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22 MR. CHAIRMAN: So I think we are done and we will reconvene then for the  
23 next hearing at 12:45.

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27 CERTIFIED CORRECT \_\_\_\_\_

28 RAYMOND P. MACDONALD, B.A., CVR  
29 Commissioner of Oaths