



COMMISSION HEARING

TORONTO, ONTARIO – JULY 21, 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 DAN MEGENS**

On May 30, 2010, the Judges issued Standardbred Official Ruling SB 42350 wherein Dan Megens ("Megens") was given the penalty of a three-day driving suspension for violation of Rule 22.05.01 (b) of the Rules of Standardbred Racing. Megens did bear in on the 1<sup>st</sup> turn during the 11<sup>th</sup> Race at Flamboro Downs on May 26, 2010, while driving the horse, COMYHICAL, causing #9 Anthony Macdonald to bear in and go inside the pylons

On June 9, 2010, Megens filed a Notice of Appeal, pursuant to Rule 24.01(b) of the Rules of Standardbred Racing.

On July 21, 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. Megens did not attend the Hearing, citing health reasons

The Panel made a decision to postpone this appeal to August 16, 2010, provided medical documentation is received by the end of the day, July 21, 2010.

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

DATED at Toronto this 26<sup>th</sup> day of July 2010.

BY ORDER OF THE COMMISSION

John L. Blakney  
Executive Director



1 Hearing continued ...

2 MR. CHAIRMAN: Mr. Megens is next?

3 MR. MCCOAG: And I have just been informed by Mr. Stewart here  
4 that Dan Megens has phoned in this morning to say that he is at the doctor's with  
5 kidney stone problems and will be submitting a doctor's note later on today. I do note  
6 something here too. Mr. Anthony Macdonald our witness, one of the witnesses, is not  
7 here either and I believe he was properly notified which I will submit to you and it may  
8 be of interest as to why he isn't here given that we have just got the belated notice  
9 that Mr. Megens is not available.

10 MR. CHAIRMAN: Okay. Let's just get our documentation caught up  
11 first and then we will deal with his non-appearance.

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

1 Hearing continued ...

2 MR. CHAIRMAN: I am going to do the same thing with Mr. Megens  
3 that we did with Mr. Steward. I will give him an adjournment to August 16th provided  
4 that the required documentation is satisfactory to the Administration of the  
5 Commission arrives here by day's end. If that does not arrive then I am going to refer  
6 him to the Administration to follow up to do whatever course they deem appropriate.  
7 The same applies to Mr. Macdonald. The Commission Administration is directed to  
8 follow up with Mr. Macdonald as to why he did not obey his summons and show as  
9 required or at least make some communication to the Commission. So I think that  
10 deals with Mr. Megens.

11  
12  
13  
14  
15  
16

17

18 CERTIFIED CORRECT: \_\_\_\_\_  
19 RAYMOND P. MACDONALD, B.A., CVR  
20 Commissioner of Oaths

21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44