



COMMISSION HEARING

TORONTO, ONTARIO – AUGUST 13, 2013

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**NOTICE OF DECISION**

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

**AND IN THE MATTER OF THE JACK MOISEYEV APPEAL**

Jack Moiseyev appealed against Ruling Number SB 45574.

Date of Hearing: August 13, 2013

ORC Panel Members: Chair Rod Seiling

Representative for the Appellant: Self represented

Representative for the Administration: Dave Stewart, Agent

The Panel denied the appeal.

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

DATED at Toronto, Ontario, this 13<sup>th</sup> day of August 2013.

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Steven Lehman  
Executive Director

ONTARIO RACING COMMISSION

**STANDARD BRED HEARING**

IN THE MATTER OF THE RACING COMMISSION ACT, 2000, S.O. C.20  
AND THE RULES OF STANDARD BRED RACING:

AND IN THE MATTER OF AN APPEAL AND REQUEST FOR HEARING OF  
**JACK MOISEYEV**

Held Before:

Rod Seiling      Chairman

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These are an excerpt of the proceedings in the above mentioned matter held before The Ontario Racing Commission, Re: **JACK MOISEYEV**, 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 August, 2013.

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Appearances:

Dave Stewart,      Agent for the Ontario Racing Commission  
Administration

Hearing continued ...

1 MR. CHAIRMAN: All rise. Please be seated. The issue before me today is did the  
2 appellant Jack Moiseyev violate Standardbred Rule 22.03 (j)(vii) on June 20th, 2013 at  
3 Mohawk Racetrack. After carefully listening to the testimony and reviewing the evidence and  
4 documents filed the panel denies the appeal. Reasons for decision: the standard of proof is  
5 on the balance of probabilities with the onus of the proof on the Administration of the ORC.  
6 Based on the evidence it is reasonable to conclude the appellant Jack Moiseyev violated  
7 Rule SB 22.03(j)(vii). The video of the race supports the testimony of Judge Miller and  
8 starter Roselle on a balance of probabilities and is preferable and reasonable to deny the  
9 appeal. Furthermore, Mr. Moiseyev did not avail himself of the opportunity to speak to Mr.  
10 Roselle immediately after the race as per the Rules. It would not be in the best interests of  
11 racing to grant the appeal in as much as the policy to have all horses in a race on the gate is  
12 to protect the public interest. Furthermore, driver Davis who was not as close to the gate  
13 than the appellant accepted and paid his fine of \$200.00. The panel took into consideration  
14 aggravating factors that Mr. Moiseyev was not at the gate, there was no urgency to get there,  
15 he did not speak to the starter post race. The mitigating factor was his difficulty in turning the  
16 horse. Thank you. Any questions? The appeal is concluded. Thank you.

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21 CERTIFIED CORRECT

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23 RAYMOND P. MACDONALD, B.A., CVR  
Commissioner of Oaths