



COMMISSION HEARING

TORONTO, ONTARIO – AUGUST 13, 2013

NOTICE OF DECISION

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

AND IN THE MATTER OF THE NICHOLAS STEWARD APPEAL

Nicholas Steward appealed against Ruling Number SB 45681.

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 13th day of August 2013.

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 **NICHOLAS STEWARD**:

Held Before:

Rod Seiling Chairman

These are an excerpt of the proceedings in the above mentioned
matter held before The Ontario Racing Commission, Re:
NICHOLAS STEWARD, 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.

Appearances:

Dave Stewart,

agent for the Ontario Racing
Commission Administration

Hearing continued ...

1 MR. CHAIRMAN: All rise. Please be seated. The issue
2 before the panel today is did the appellant Nick Steward violate
3 Standardbred Rules 22.23.01(a), 22.23.04(d) and 22.23.05(a) and
4 (b). After carefully listening to the testimony and reviewing the
5 evidence and documents filed the panel denies the appeal.
6 Reasons for decision: the standard of proof is on a balance of
7 probabilities with the onus of proof on the Administration of the
8 ORC. Based on the evidence it is reasonable to conclude that the
9 appellant Nick Steward did violate SB Rules 22.23.01(a),
10 22.23.04(d) and 22.23.05 (a) and (b). The testimony of Judge
11 Minler on a balance of probabilities is preferable and supports the
12 Rule violations in combination with the video of the race. The
13 penalty assessed by the Judges is not varied. The panel took into
14 consideration the aggravating factors that this is his second
15 offence and the number of times the Rule was violated. Any
16 questions? Otherwise, the hearing is over.

17 MR. STEWART: No, nothing. We just have to
18 speak to Nick afterwards about the five days he will serve.

19 MR. CHAIRMAN: You can work that out.

20 MR. STEWART: We can do that off the record.

21 MR. CHAIRMAN: Thank you.

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24 CERTIFIED CORRECT _____
25 RAYMOND P. MACDONALD, B.A., CVR
26 Commissioner of Oaths