



COMMISSION HEARING

TORONTO, ONTARIO – APRIL 4, 2012

**IN THE MATTER OF THE RACING COMMISSION ACT S.O. 2000, c.20;
AND IN THE MATTER OF THREE APPEALS AND REQUESTS FOR HEARINGS BY
STANDBRED LICENSEE BRIAN ROY LAWSON (“Lawson”)**

On November 1, 2011, a Panel of the Ontario Racing Commission (“ORC”), by Ruling Number SB 053/2011, confirmed the July 12, 2011 Notice of Proposed Order issued by the Director of the ORC as follows:

- (i) an immediate suspension of Lawson;
- (ii) a 5-year suspension; and
- (iii) a \$5,000 fine.

This Panel also ordered that the three outstanding appeals and requests for hearings by Lawson, which had been adjourned, sine die, on consent, 6-1/2 years before, on May 10, 2005, because Lawson was said to be “seriously ill”, (the appeals from occurrence dates --

- I. December 8, 2003, (HOBEE) - SB 6.20 (a), (b) & (c), penalty \$2,000 fine and a 90-day suspension;
- II. December 9, 2003, (PREMARIN) - SB 10.01 (b), penalty \$10,000 fine and 1-year suspension; and
- III. March 16, 2004, (SYRINGE) – SB 10.01 (a), penalty \$10,000 fine and 1-year suspension.)

- “(i) must be scheduled within 3 months of this date (November 1, 2011); and
- (ii) must be heard no later than 2 months thereafter or the appeals will be dismissed by this order.”

These three appeals were scheduled to be heard on Wednesday, April 4, 2012.

On March 21, 2012, a Panel of the ORC heard an Application for Adjournment, by Lawson, of these three appeals.

On March 21, 2012, the Panel, by Ruling Number COM SB 009/2012:

- (i) denied the request for adjournment;
- (ii) ordered that the Hearings set for April 4, 2012 proceed as scheduled; and
- (iii) made an order of costs against Lawson in the amount of \$500 to be paid “forthwith”.

On April 4, 2012, as scheduled, a Panel of the ORC was convened consisting of Commission Member John Macdonald, as Acting Chair, Commission Member Dan Nixon and Commission Member Brenda Walker, to hear the three appeals.

Lawson did not attend the Hearing.

Arlene McCarthy appeared as representative for Lawson.



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Anthony Williams appeared as counsel for the Administration of the ORC.

Upon reviewing the exhibits filed, and upon hearing the submissions of Arlene McCarthy and counsel for the Administration, the Panel ruled as follows:

Re: I, December 8, 2003 (HOBEE), SB 6.20 (a), (b) & (c);

This appeal by Lawson against both his conviction and penalty from the May 20, 2004, SB Ruling 29954, by a panel of Standardbred Judges at Flamboro Downs Raceway, was withdrawn on consent.

The penalty imposed was confirmed as follows:

\$2,000 fine and a 90-day suspension consecutive;

Re: II, December 9, 2003 (PREMARIN), SB 10.01 (b); and

Re: III, March 16, 2004 (SYRINGE), SB 10.01 (a);

The April 4, 2012, further request by Lawson, for an adjournment of the Hearings for II and III was granted, with reluctance, by the Panel.

A new Hearing date was set for Thursday, May 10, 2012 at 9:00 a.m. at Toronto. This date was marked peremptory upon Lawson to proceed with his remaining 2 appeals. Further costs were ordered against Lawson in the amount of \$1,000.

It was the express expectation of the Panel, that the fine/costs in the total amount of \$3,500, recently imposed upon Lawson, be paid.

An excerpt of the oral Decision of the Panel on April 4, 2012, is attached to this Ruling.

DATED at Toronto this 11th day of April, 2012.

BY ORDER OF THE COMMISSION


John L. Blakney
Executive Director

ONTARIO RACING COMMISSION

STANDARD BRED HEARING

IN THE MATTER OF THE RACING COMMISSION ACT, 2000,
S.O. 2000, C.20 AND THE RULES OF STANDARD BRED
RACING, 2008

AND

IN THE MATTER OF AN APPEAL AND REQUEST FOR
HEARING BY **BRIAN ROY LAWSON** OWNER, TRAINER AND
DRIVER OF STANDARD BRED RACE HORSES:

Held Before:

John Macdonald, Commissioner
Dan Nixon, Commissioner
Brenda Walker, Commissioner

These are an excerpt of the proceedings in the above mentioned
matter held before The Ontario Racing Commission, Re: **BRIAN
R. LAWSON**, taken before Toronto Court Reporters, Suite 1410,
65 Queen Street West, Toronto, Ontario, at 10 Carlson Court,
Suite 400, Toronto, Ontario, on the 4th day of April, 2012.

Appearances:

Anthony Williams,

for the Ontario Racing
Commission Administration

1 Hearing continued ...

2 MR. CHAIRMAN: Ms. McCarthy, you understand that he
3 is abandoning the appeal in that case?

4 MS. MCCARTHY: Yes.

5 MR. CHAIRMAN: Now that the time, and I'm not sure what
6 has happened because of all of the adjournments, the 90 day
7 suspension is effective from what date to what date, just to get
8 that one on the record.

9 MR. WILLIAMS: I suspect, sir, that it would be consecutive
10 to his five year suspension that he is presently serving because he
11 received the suspension on the 20th of May of 2004, on the same
12 day he launched appeals and on the same day he received stays
13 of proceeding on each of the three matters and then they have
14 limped through the process since so he has not done any dead
15 time, as it were, in the criminal justice system. So I would ask that
16 the 90 days be consecutive to any other suspensions presently
17 being served.

18 MR. CHAIRMAN: Not concurrent, we are talking about
19 consecutive?

20 MR. WILLIAMS: Consecutive, yes. Concurrent would run
21 together with it.

22 MR. CHAIRMAN: Yes.

23 MR. WILLIAMS: It would be my submission that
24 consecutive would be appropriate, not concurrent.

1 MR. CHAIRMAN: Correct, okay. I understand that and I
2 would suggest then that subject to what other members of the
3 panel think that that particular suspension would be effective
4 immediately then from this date for the 90 days, about three
5 months. Any comments on that? Dan, any comments on that?

6 MR. NIXON: No.

7 MS. WALKER: So he is off right now? When is it done?

8 MR. CHAIRMAN: I don't know but his suspension is
9 effective now. The ruling of the panel is that the suspension is
10 effective as of today for 90 days together with a \$2,000.00 fine
11 and that would dispose of the matter that started as a result of the
12 December 8th, 2003 violation as noted in the Judges' ruling in the
13 Flamboro May 20th, 2004 ruling Standardbred Ruling 29954 and
14 we do order.

15 MR. WILLIAMS: Thank you.

16 Hearing continued ...

17 MR. CHAIRMAN: We have dealt with one matter where
18 Mr. Brian Roy Lawson has been suspended for 90 days and fined
19 \$2,000.00. There is a further \$500.00 payable by Mr. Lawson for
20 costs thrown away which doesn't cover the costs of the extensive
21 hearings and material and the work of counsel in the case. Five
22 hundred so there is currently \$2,500.00 currently owing. Subject
23 to availability of counsel, notwithstanding that we are somewhat
24 reluctant to do a further adjournment, we are going to suggest a
25 date which would be after the major medical examinations Mr.

1 Lawson has produced in Exhibit number 5 of May 10th. We are
2 going to also make an order that the attendance is preemptory
3 and that simply means, Ms. McCarthy, is that if he doesn't show
4 that day we go on with or without him. Hopefully if he is unable to
5 attend there will be counsel here to be able to represent him. No
6 offence to you but if he is going to defend these charges then he
7 should have counsel, the best that he can afford. In the meantime
8 I also expect the existing fines to be paid and for further costs
9 thrown away today we are going to ask for another \$1,000.00 to
10 be paid. So it is a total of \$3,500.00 that is now due to the Ontario
11 Racing Commission for the fine and for two abortive hearings. I
12 am concerned with your comments, Ms. McCarthy, that Mr.
13 Lawson is, to use your words, not with it. If his medical condition
14 is such that he is not with it he could be a danger not just to
15 himself but to other people around horses, whether it is in a barn,
16 on a track or anywhere else. Now we can't control what happens
17 on a farm but our job is to make sure that the public is protected
18 as much as possible. The suspension means that he is not
19 involved in racing, can't be licensed and that's for the 90 days. So
20 that is past the time period where we will have the adjourned
21 hearing. Now counsel, is May 10th a convenient date?

22 MR. WILLIAMS: Yes, sir. Thank you.

23 MR. CHAIRMAN: Ms. McCarthy, you understand that,
24 May 10th?

25 MS. MCCARTHY: Yes.

1 MR. CHAIRMAN: And preemptory means that yes, we go
2 on that day and if he is physically unable to, and we hope that he
3 can; the medical decisions will have been made before that from
4 the list that you gave us. Any further questions?

5 MR. WILLIAMS: I've just confirmed three of the four
6 witnesses are available. Colin Coleiro is a witness in criminal
7 court but we will be able to use the evidence of Mr. Moffat who
8 was a companion. So yes, we are prepared to proceed on May
9 10th. Thanks very much.

10 MR. CHAIRMAN: Thank you. This matter is terminated.

11 MR. WILLIAMS: Thank you, lady and gentlemen.

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