

**IN THE MATTER OF THE *RACING COMMISSION ACT*, S.O. 2000, c. 20;  
AND IN THE MATTER OF AN APPEAL AND REQUEST FOR HEARING OF  
STANDBRED LICENSEE MARC LAMARCHE**

On September 23, 2012, the Judges issued Standardbred Official Ruling SB 44753 wherein a \$1,000 fine and a 60-day full suspension were imposed upon Marc Lamarche (“LAMARCHE”) for contravening Rules 1.09 and 6.20(a), (b), and (c) of the Rules of Standardbred Racing (“SB Rules”) as a consequence of being in possession of a stolen race bike.

On September 23, 2012, the Judges also issued Standardbred Official Ruling SB 44754 wherein a two-year probation was imposed upon LAMARCHE with the following condition: “Violation of any conduct regulations will result in sanctions in addition to the fine and/or suspension imposed by the Judges”.

On September 24, 2012, LAMARCHE filed a Notice of Appeal.

On September 27, 2012, the Deputy Director issued Ruling Number SB 111/2012 wherein LAMARCHE was granted a conditional stay of his penalty.

On October 10, 2012, a Notice of Hearing was issued to advise the parties that a Panel would be convening on November 13, 2012 at 9:00 a.m. for the purpose of hearing LAMARCHE’S appeal.

On November 13, 2012, a Panel of the Ontario Racing Commission (“ORC”) comprised of Commissioner John Macdonald was convened to hear the appeal.

LAMARCHE participated on his own behalf. A French language interpreter was present to assist LAMARCHE. Jennifer Friedman appeared as counsel for the Administration of the ORC.

Upon hearing the testimony of Steve Rushton, John Campbell, Michael Armstrong, and LAMARCHE, reviewing the exhibits filed, and considering the closing submissions, the Panel denied the appeal and varied the penalty as follows:

- i) Violation of Rules 1.09 and 6.20(a),(b), and (c) of the Rules of Standardbred Racing for conduct injurious to racing;
- ii) Fine increased to \$2,000, which is payable within 30 days;
- iii) Suspension increased to 120 days (November 13, 2012 – March 12, 2013 inclusive);
- iv) Fine payable within 30 days; and
- v) Two years probation (March 13, 2013 – March 12, 2015).

The transcript with the Panel’s Reasons for Decision is attached to this Ruling.

DATED at Toronto this 16<sup>th</sup> day of November 2012.

BY ORDER OF THE COMMISSION



Steven Lehman  
Executive Director

ONTARIO RACING COMMISSION  
STANDARD BRED HEARING  
IN THE MATTER OF AN APPEAL AND REQUEST FOR HEARING OF  
**MARC LAMARCHE**

Held Before:

John Macdonald, Commissioner

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These are an excerpt of the proceedings in the above mentioned matter held before The Ontario Racing Commission, Re: **MARC LAMARCHE**, 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 November, 2012.

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Appearances:

Jennifer Friedman,

counsel for the Ontario  
Racing Commission  
Administration

Mario Misasi,

French interpreter

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1 Hearing continued ...

2 MR. CHAIRMAN: What we find here is that under the  
3 Rules 1.09 and 6.20(a), (b) and (c) that you are in violation;  
4 of the Rules, that are injurious to racing. I find that the  
5 Judges were somewhat lenient and that the fine will be  
6 increased to \$2,000.00 and the suspension to 120 days.

7 MR. LAMARCHE: No problem.

8 MR. CHAIRMAN: Counsel, do you have any  
9 comments?

10 MS. FRIEDMAN: No, thank you.

11 MR. CHAIRMAN: Mr. Lamarche?

12 MR. LAMARCHE: No, I have no other comments. I  
13 have to accept what you give me.

14 MR. CHAIRMAN: This matter is now terminated.  
15 Sorry, counsel has one question?

16 MS. FRIEDMAN: My apologies. I am simply seeking  
17 clarification when the fine must be payable by Mr. Lamarche.

18 MR. CHAIRMAN: Within 30 days.

19 MR. LAMARCHE: To pay my fine?

20 MR. CHAIRMAN: Yes.

21 MR. LAMARCHE: How could I do that if I can't go  
22 back to Rideau Carlton?

23 MS. FRIEDMAN: Perhaps he can mail that in.

24 MR. CHAIRMAN: This can be sent to the Ontario  
25 Racing Commission.

1 MR. LAMARCHE: Yes, okay. Perfect. I will send it  
2 within 30 days.

3 MR. CHAIRMAN: Thank you, sir.

4 MR. LAMARCHE: Okay. Thanks to you. No  
5 problem.

6 MS. FRIEDMAN: Thank you.

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12 CERTIFIED CORRECT \_\_\_\_\_  
13 RAYMOND P. MACDONALD, B.A., CVR  
14 Commissioner of Oaths