



COMMISSION HEARING

TORONTO, ONTARIO – NOVEMBER 23, 2011

**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  
STANDARD BRED LICENSEE MARK MACDONALD**

On October 10, 2011, the Judges issued Official Ruling SB 43346 wherein Mark MacDonald ("MACDONALD") was given a \$500 fine and three-day driving suspension for needlessly allowing the horse "Ill Be There" to pass on the inside and improve his position while driving "Tymal Oh So Nice" in the stretch drive at Mohawk Racetrack on October 1, 2011.

On October 10, 2011, MACDONALD filed a Notice of Appeal, pursuant to Rule 24.01 (b) of the Rules of Standardbred Racing.

On November 23, 2011, a Panel of the Ontario Racing Commission ("ORC"), comprised of Commissioner Brenda Walker, convened for the purpose of hearing this matter.

Brian Newton appeared on behalf of the Administration for the ORC. MACDONALD attended the hearing in person and was self-represented.

Upon reviewing the evidence, and hearing the testimony of Judge David Stewart and Driver MACDONALD, reviewing the exhibits filed and considering the closing submissions, the Panel allowed the appeal.

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

Dated at Toronto, Ontario this 1<sup>st</sup> day of December 2011.

BY ORDER OF THE COMMISSION

  
John L. Blakney  
Executive Director

ONTARIO RACING COMMISSION  
**STANARDBRED HEARING**  
IN THE MATTER OF AN APPEAL AND REQUEST FOR HEARING OF  
**MARK MACDONALD**

Held Before:

Brenda Walker, Commissioner

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These are an excerpt of the proceedings in the above mentioned matter held before The Ontario Racing Commission, Re: **MARK MACDONALD**, taken before Toronto Court Reporters, Suite 1410, 65 Queen Street West, Toronto, Ontario, at 10 Carlson Court, Suite 400, Toronto, Ontario, on the 23rd day of November, 2011.

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Appearances:

Brian Newton,

agent for the Ontario Racing  
Commission Administration

1 Hearing continued ...

2 MR. CHAIRMAN: Please be seated. This is a hearing of Mark MacDonald  
3 SB145/2011 wherein he was fined \$500.00 and suspended from driving for three days. First  
4 of all, I would like to just let you know that the betting public has been - it has been a big  
5 contention of theirs about drivers letting horses up the inside rail and there has been a lot of  
6 complaints to the Racing Commission but after hearing the evidence and watching the tape I  
7 am going to allow the appeal. I believe that you thought you were doing the right thing and  
8 didn't intentionally move to the inside to allow Scott Zeron up the rail. I also believe that the  
9 tape shows that the horse was wobbly in the stretch drive and maybe due to your previous  
10 accident you were a little bit concerned for your safety. For that reason I will allow the appeal  
11 and if there are any questions?

12 MR. NEWTON: No questions.

13 MS. WALKER: Okay. Thank you.  
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20 CERTIFIED CORRECT \_\_\_\_\_  
21 RAYMOND P. MACDONALD, B.A., CVR  
22 Commissioner of Oaths  
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