



COMMISSION HEARING

TORONTO, ONTARIO – AUGUST 16, 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
DOM ROMEO and FRANK ROMEO**

On June 20, 2011, Owner's Frank and Dom Romeo ("Romeo") filed a Notice of Appeal of the Judges' Decision, pursuant to Rule 13.17(b) of the Rules of Thoroughbred Racing, for the placing of their horse "Steady Stuart" from first position to fifth, for interference to outside horses leaving the starting gate in the second race at Woodbine Racetrack on June 19, 2011, in violation of Ontario Racing Commission Rules 11.09.01 and 11.14.

On August 16, 2011, a Panel of the Ontario Racing Commission ("ORC") consisting of Commissioner Brenda Walker, convened to hear the appeal.

Steward Gunnar Lindberg appeared on behalf of the Administration of the ORC. "Romeo" attended the hearing and was represented by Counsel Dan McMahon.

After reviewing the evidence and hearing the testimony of Steward Bill McMahon, Jockeys, David Clark, Emma-Jayne Wilson, Geraldo Olguin, Owners "Romeo" and Trainer Kevin Attard as well as a statement presented by Owner Joseph Trdak and upon consideration of closing submissions, the Panel denied the appeal.

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

DATED at Toronto this 19th day of August 2011.

BY ORDER OF THE COMMISSION


John L. Blakney
Executive Director

ONTARIO RACING COMMISSION
THOROUGHBRED HEARING
IN THE MATTER OF THE APPEAL AND REQUEST FOR HEARING OF
TERRA RACING STABLE:

Held Before:

Brenda Walker, Commissioner

These are the oral reasons and ruling in the above mentioned matter held before The Ontario Racing Commission, Re: **TERRA RACING STABLE**, taken before Toronto Court Reporters, Suite 1410, 65 Queen Street West, Toronto, Ontario, at 10 Carlson Court, Suite 400, Mississauga, Ontario, on the 16h day of August, 2011.

Appearances:

Gunnar Lindberg

agent for the Ontario Racing
Commission Administration

Dan McMahon for the Terra Racing Stable

1 Hearing continued ...

2 MS. WALKER: You may be seated. This is the
3 hearing of the appeal by Terra Racing Stable of the second race
4 at Woodbine on Sunday June the 19th, 2011. Having heard the
5 testimony from the jockeys Gerry Olguin, Emma-Jayne Wilson,
6 David Clark and trainer Kevin Attard, Frank Romeo during the
7 testimony it was never argued that the incidents happened. The
8 degree of the incidents were questioned. First, was there
9 interference incidental or not. I believe it was. It was not
10 incidental, that it was serious enough for the placings. Second,
11 did number 2 STEADY STUART interfere with number 3
12 NERONE who was in turn squeezed by number 4 MOBILE UNIT.
13 Third, did number 5 BRITE SABBETH interfere with number 4
14 MOBILE UNIT and in turn also squeeze number 3 NERONE.
15 The main interference came from 2 on 3 and 5 on 4. There was
16 always a domino affect. The placings of the order of finish was 2,
17 5, 1, 3, 4, 6 with two interferences with 3 against 4 and the 2 horse
18 was placed behind - well, what ended up in the placing was it
19 ended up 5, 1, 3, 4, 2, 6. So 2 got placed behind the 3 and the 4
20 and then the 5 interfered with the 4 horse and so it was placed
21 behind the 3 and the 4. So the final order of finish ended up 1, 3,
22 4, 5, 2, 6 and I believe the stewards were right in their ruling and
23 that the order will stay the same. Are there any questions? Thank
24 you.

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