



COMMISSION HEARING

TORONTO, ONTARIO – OCTOBER 20, 2010

**IN THE MATTER OF THE RACING COMMISSION ACT S.O. 2000, c.20;
AND IN THE MATTER IN THE APPEAL AND REQUEST FOR HEARING OF
STANDARDBRED LICENSEE BRENDA SPENCE**

On September 03, 2010, the Judges issued Standardbred Official Ruling SB 158/2010 wherein the horse RUMOUR SEELSTER finished 1st and was not placed for failure to lose ground while on a break in accordance with SB Rules 18.08.02 and 22.09 in the third race at Rideau Carlton Raceway on September 3, 2010.

On September 3, 2010, Brenda Spence ("Spence") filed a Notice of Appeal, pursuant to Rule 24.01(b) of the Rules of Standardbred Racing.

On October 20, 2010, a Panel of the Ontario Racing Commission ("ORC"), comprised of Chair Rod Seiling, convened for the purpose of hearing this matter.

Neil McCoag appeared on behalf of the Administration of the ORC. Spence attended the Hearing and was unrepresented.

After reviewing the evidence, hearing the testimony of Judge John Campbell and Driver Guy Gagnon, and upon considering the closing submissions, the Panel denied the appeal.

A transcript of the Panel's oral decision is attached to this Ruling.

DATED at Toronto this 22nd day of October 2010.

BY ORDER OF THE COMMISSION


John L. Blakney
Executive Director

1 Hearing continued ...

2 MR. CHAIRMAN: All rise. After carefully listening to the testimony and
3 reviewing the evidence and documents - please be seated - reviewing the evidence and the
4 documents filed the panel denies the appeal. Under 6.8 of the Racing Commission Act,
5 2000 the appellant could be fined for bringing forward a frivolous appeal. No fine is levied
6 solely because the appellant clearly does not understand how the rule is applied. The
7 Judges properly applied the breaking rule. The appellant's only issue was with the losing
8 ground. The film clearly shows driver Gagnon pulling back his horse. The film also clearly
9 shows the horse lost ground thereby being in compliance with the rules. Because of safety
10 issues the driver could not move to either side nor could he slow down, even if he could
11 have, because of the trailing horse. When comparing one ruling of the Judges to another an
12 individual must ensure that the comparisons are the same. Otherwise the exercise is futile.
13 The hearing is ended.

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

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