



COMMISSION HEARING

TORONTO, ONTARIO – MAY 5, 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 LICENSEES NICK STEWARD & MARTIN O'TOOLE**

On March 30, 2011, standardbred, driver Nick Steward, ("STEWARD") (ORC Licence Y2674), and owner Martin O'Toole ("O'TOOLE") (ORC Licence M95614) jointly appealed Judges' Ruling SB 43521 dated March 30, 2011, wherein STEWARD was fined \$300 for leaving the course and going inside a pylon and gaining an advantage in the 12<sup>th</sup> race, on March 28, 2011, at Western Fair Raceway, in violation of Rule 18.08.02 of the Rules of Standardbred Racing. Also appealed was Judges' Ruling SB 43522, the placing of the horse Justalittleluck from 1<sup>st</sup> to 4<sup>th</sup>, under Rule 22.09.

On May 5, 2011, a Panel of the Ontario Racing Commission ("ORC") consisting of Chair Rod Seiling, convened to hear the appeal.

Rick Rier appeared as agent for the Administration. STEWARD attended the hearing in person and was represented by Brian Tropea.

Upon hearing the testimony of Judge Wes Coke, and driver Nick Steward, upon reviewing the exhibits filed and, upon hearing the submissions of Rier and Tropea, the Panel dismissed both appeals.

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

Dated at Toronto, Ontario this 9<sup>th</sup> day of May 2011.

BY ORDER OF THE COMMISSION

John L. Blakney  
Executive Director

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ONTARIO RACING COMMISSION

STANDARD BRED HEARING

IN THE MATTER OF AN APPEAL AND REQUEST FOR  
HEARING OF NICK STEWARD AND MARTIN O'TOOLE,

Held before:  
  
Rod Seiling, Commissioner

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These are an excerpt of the proceedings  
in the above-mentioned matter held before  
The Ontario Racing Commission, Re: NICK  
STEWART AND MARTIN O'TOOLE, taken before  
Toronto Court Reporters, Suite 1410, 65  
Queen Street West, Toronto, Ontario, at  
10 Carlson Court, Suite 400, Toronto,  
Ontario, on the 5th day of May, 2011

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Appearances:  
  
Rick Rier,                          Agent for the Ontario  
   Racing Commission  
   Administration  
  
Brian Tropea                        For the licensee

1           Hearing continued.....

2                       COMMISSIONER SEILING: I'm struggling  
3           with your final submission, Mr. Tropea, because  
4           you've said to me that any time a horse goes  
5           inside a pylon it gets an advantage. So it  
6           kind of, to me, negates the argument.

7                       Anyway, based on the fact that I've not  
8           seen anything to -- in your evidence, what the  
9           judges had in front of them that day or the judges'  
10          hearing, and there's nothing to show to me that they  
11          misinterpreted or misapplied the rules, the appeal  
12          is denied.

13                      I don't think there is anything else that  
14          the judge needed to speak with either Mr. Steward or  
15          Mr. O'Toole on this one.

16                      MR. RIER: No. We require nothing. There  
17          were no days involved.

18                      Thank you.

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21          --- Whereupon at 12:14 p.m. the hearing was

22                      concluded

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This is to certify that the foregoing excerpt is a true and accurate transcription of the proceedings taken to the best of my ability and skill.

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Sandra Brereton  
Certified Shorthand Reporter  
Registered Professional Reporter