



COMMISSION HEARING

TORONTO, ONTARIO – OCTOBER 4, 2010

IN THE MATTER OF THE *RACING COMMISSION ACT, 2000, S.O. 2000, C.20*

**AND IN THE MATTER OF THE APPEAL AND REQUEST FOR HEARING
OF STANDARDBRED LICENSEE RANDY VAN MEER**

Standardbred Licensee Randy Van Meer (“VAN MEER”) appealed Ruling SB 41776, dated August 31, 2010, wherein he was suspended for 15 days (September 5, 2010 – September 19, 2010), and fined \$1,500, as a result of an altercation with another licensee in the grandstand at Kawartha Downs (“KD”) on August 3, 2010, in violation of Rules 6.02(e), 6.17(a), 6.17(d) and 6.20(b) of the Rules of Standardbred Racing.

A stay of the suspension was granted by the Deputy Director on September 9, 2010, pursuant to Ruling SB 150/2010, pending the hearing of the appeal.

On October 4, 2010, a Panel of the Ontario Racing Commission (ORC) consisting of Commissioner John W. Macdonald as Chair, Commissioner David Gorman, and Commissioner Dan Nixon, convened to hear the appeal.

Angela Holland appeared as counsel for the Administration. VAN MEER was in attendance and was self-represented, with assistance from William O’Donnell.

Upon hearing testimony of Rick Rier, Des Tackoor, Michael Fisico, William James, and Jennifer Fraser, and VAN MEER, upon reviewing the exhibits filed and upon hearing the submissions of counsel for the Administration and of VAN MEER and William O’Donnell, the Panel denied the Appeal. The penalty remains as follows:

- i. VAN MEER is suspended for 15 days, (October 10, 2010 – October 24, 2010);
- ii. VAN MEER is fined \$1,500.

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

Dated at Toronto this 5th day of October 2010.

BY ORDER OF THE COMMISSION


John L. Blakney
Executive Director

ONTARIO RACING COMMISSION

RE: STANDARDBRED HEARING

IN THE MATTER OF AN APPEAL AND REQUEST FOR HEARING OF

RANDY VAN MEER

Held Before:

John Macdonald, Chairman

David Gorman, Commissioner

Dan Nixon, Commissioner

This is an excerpt of a Hearing of the Ontario Racing Commission re: **RANDY VAN MEER**, taken before Toronto Court Reporters, Suite 1410, 65 Queen Street West, Toronto, Ontario, at 10 Carlson Court, Suite 400, Toronto, Ontario, on the 4th day of October, 2010.

Appearances:

Angela Holland,

Counsel for the Ontario
Racing Commission
Administration

1 Hearing continued ...

2 MR. NIXON: All rise.

3 MR. CHAIRMAN: Thank you. Please be seated. Thank you all. I
4 understand Mr. Van Meer's concern is the other combatant wasn't fined or suspended
5 or any action taken. That was a decision that was made by the investigators there
6 and the Judges at the track and while that may be of significance to Mr. Van Meer it
7 is not something that we are about to consider.

8 From the evidence we heard it was a retaliation factor and that's all,
9 Mr. Tackoor wasn't fighting. The evidence was a little vague on the premeditation as
10 to whether that was the intention that Mr. Van Meer was going to do something then
11 or later or it was just a warning. It looked to us like it was more of a warning like don't
12 put your wheel underneath me again or something else will occur, whether it did or
13 didn't.

14 We note from the material that the trespass notice was given on
15 August the 24th and that effectively means that Mr. Van Meer could not go on the
16 backstretch for 90 days from there. That doesn't stop him from hiring someone else,
17 and there is certainly enough capable trainers in that area, that he could, yes. It does
18 result in an expense. It is not the job of the Commission to worry about the monetary
19 results. Our job is to enforce the Rules.

20 In this case we have a concern because the altercations happened in
21 a public place and as has been pointed out in our deliberations the security staff
22 fortunately did not have to come in and referee and separate the parties such that the
23 altercation started so quickly and it was over but it would leave potentially a problem
24 for security if we didn't support the decisions of the Judges and this is the sort of
25 behaviour that we hope will not happen again and we don't think, from what we have

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2 seen from both of the combatants here, that that is the type of thing that they would be
3 involved in again. Neither one are fighters and I didn't see our Chairman play hockey
4 often enough to see if he was actually a combatant himself on a regular ... I have been
5 accused of that so I can't understand that in the heat of it. This is unfortunately
6 something that happened after the race was over. It wasn't something where the
7 argument was in the spur of the moment and a reaction.

8 I'm going to deny the appeal and leave the results the way it is, the
9 fifteen day suspension and the \$1,500.00 fine. Now we will have to talk about the
10 applicable dates for the suspension. I don't know if you can do that now or ...

11 MS. HOLLAND: I think we should do that now while everyone is here.

12 MR. CHAIRMAN: We can leave it for the Administration to talk to Mr.
13 Van Meer about that.

14 MS. HOLLAND: That's fine, sir.

15 MR. VAN MEER: I just wasn't to say the next step is what, the Judicial
16 Review or whatever? So do I have to appeal to that?

17 MR. GORMAN: You would probably have to get some good legal
18 advice.

19 MR. O'DONNELL: That's not me.

20 MS. HOLLAND: We can work the days out, sir.

21 MR. GORMAN: I think Ms. Holland could explain to you what the next
22 step is if you are unhappy with this decision.

23 MR. VAN MEER: Yes. Like the problem I have like I don't know. I
24 just can't have the suspension start. Like I can't have the suspension start right now
25 like the fifteen days or whatever so ...

26 MS. HOLLAND: We will talk after. That's fine.

27 MR. CHAIRMAN: Any comments from the panel?

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MR. NIXON: No.

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MR. CHAIRMAN: Thank you.

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MS. HOLLAND: Thank you, sir.

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MR. CHAIRMAN: This hearing is terminated.

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CERTIFIED CORRECT: _____

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RAYMOND P. MACDONALD, B.A., CVR

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Commissioner of Oaths

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