



COMMISSION HEARING

TORONTO, ONTARIO – FEBRUARY 23, 2011

**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
STANDARD BREED LICENSEE BARRY TREEN**

On November 30, 2010, the Judges issued Standardbred Official Ruling SB42160 wherein Barry Treen ("TREEN") was given the penalty of a 3-day driving suspension, December 5, 6 & 7, 2010, for the violation of SB Rule 22.05.01 (a), while driving the horse CELTIC BONNIE in race 8 at Kawartha Downs on November 27, 2010, did bear out and cause interference to the horse JUST LAUGHING before the half. CELTIC BONNIE finished 2nd and was placed 8th.

On December 1, 2010, TREEN filed a Notice of Appeal, pursuant to Rule 24.01(b) of the Rules of Standardbred Racing.

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

Rick Rier appeared on behalf of the Administration of the ORC. TREEN appeared at the Hearing and was unrepresented.

The Panel, having heard the testimony of Judge Chuck Fraleigh, driver Bill Davis, and starter Steve Skene, having reviewed the film, and upon hearing closing submissions, denied the appeal.

TREEN will serve his 3 days' suspension on March 1, 2 and 3, 2011.

A transcript with the Panel's Reasons for Decision is attached to this ruling.

DATED at Toronto this 25th day of February 2011.

BY ORDER OF THE COMMISSION


John L. Blakney
Executive Director

ONTARIO RACING COMMISSION
STANDARD BRED HEARING
IN THE MATTER OF AN APPEAL AND REQUEST FOR HEARING OF
BARRY TREEN

Held Before:

Brenda Walker, Commissioner

These are an excerpt of the proceedings in the above mentioned matter held before The Ontario Racing Commission, Re: **BARRY TREEN**, 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 February 2011.

Appearances:

Rick Rier: agent for the Ontario Racing Commission
Administration

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Hearing continued ...

MR. RIER: All rise please.

MADAME CHAIR: Please be seated. This is the appeal of SB42160 wherein Barry Treen was suspended from driving for three days for rule violation 22.05.01(a) while driving CELTIC BONNIE during the 8th race at Kawartha Downs on November the 27th, 2010. The driver Barry Treen came out into Bill Davis clipping his legs and causing his horse to break stride. After hearing testimony from Judge Fraleigh who witnessed the incident out his window at the racetrack, starter Steve Skene who was riding in the starting gate beside the horses and he heard Bill Davis yell and also heard the contact; we also had the video tapes that show Mr. Treen's position of his horse and that his legs are not clearly out behind Mr. Brown's horse, that I believe that the Judges' decision to place number 9 CELTIC BONNIE from 2nd to 8th was the right decision. The appeal has been disallowed.

Thank you.

CERTIFIED CORRECT _____

RAYMOND P. MACDONALD, B.A., CVR
Commissioner of Oaths