



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  
STANDBRED LICENSEES RICHARD TURCOTTE AND PHILIPPE BELANGER**

On November 27, 2010, the Judges issued Standardbred Official Ruling SB43136 wherein Richard Turcotte ("TURCOTTE") was given the penalty of a 3-day driving suspension, December 3, 4, and 5, 2010, for violation of SB Rule 22.05.01(a) while driving the horse SOS BREEZER in race 7 at Sudbury Downs on November 13, 2010, did bear in on the first turn and cause interference to the horse CELEBRITY SHARK. SOS BREEZER finished 2<sup>nd</sup> and was placed 8<sup>th</sup>.

On November 29, 2010, TURCOTTE filed a Notice of Appeal, pursuant to Rule 24.01(b) of the Rules of Standardbred Racing.

On November 17, 2010, trainer Phil Belanger ("BELANGER"), filed a Notice of Appeal pursuant to Rule 24.01 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. Ed Paquette appeared as counsel for driver TURCOTTE and trainer BELANGER.

The Panel, having heard the testimony of Judge Jeff Rouse, driver Wayne MacLean and witness Judge Jeff Minler and upon reviewing the film evidence, and upon hearing closing submissions, denied the appeal.

A copy of a transcript with the Panel's Reasons for Decision is attached to this Ruling.

DATED at Toronto this 25<sup>th</sup> 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

**RICHARD TURCOTTE** and **PHILIPPE BELANGER**

Held Before:

Brenda Walker,            Commissioner

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These are an excerpt of the proceedings in the above mentioned matter held before The Ontario Racing Commission, Re: **RICHARD TURCOTTE** and **PHILIPPE BELANGER, and** 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.

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Appearances:

Rick Rier:                agent for the Ontario Racing Commission  
Administration

Edmond J. Paquette    counsel for Belanger and Turcotte

Hearing continued ...

1 MR. RIER: All rise please.  
2 MADAME CHAIR: Please be seated. This is the  
3 appeal of SB43136 by Richard Turcotte and Phil Belanger from  
4 Sudbury Downs November the 13th, 2010 race 7. The Rule  
5 violation was 22.05.01(a) and 22.09. It is an objection of number  
6 9 CELEBRITY SHARK driven by Wayne MacLean against number  
7 5 SOS BREEZER driven by Richard Turcotte for causing  
8 interference after the start. We have to determine whether the  
9 actions of Mr. Turcotte were enough to cause Mr. MacLean to  
10 break stride in the first turn. We have viewed the films which we  
11 saw Turcotte crossing over in front of MacLean but we don't  
12 actually see contact. It also didn't show any unnecessary attempt  
13 by Mr. Turcotte - or Mr. MacLean to grab his horse, shorten its  
14 stride but we did observe the horse break stride along with a  
15 couple of other horses beside him. We have testimony from  
16 Judge Rouse and we had testimony from Wayne MacLean the  
17 driver but we failed to hear testimony from the starter who was not  
18 contacted that night, or which anybody can recall and we have to  
19 determine how much weight would have been given to the  
20 starter's testimony if he saw anything at all. It was noted that  
21 neither side had subpoenaed the starter to bring in that testimony  
22 and for those reasons from what I witnessed on the tapes I am  
23 disallowing the appeal.

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MR. RIER: Thank you.

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