



COMMISSION HEARING

TORONTO, ONTARIO – DECEMBER 3, 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 GERRY BELANGER**

On August 28, 2010, the Judges issued Standardbred Official Ruling SB41493 wherein Gerry Belanger ("Belanger") was given the penalty of a 3-day driving suspension, (September 10, 11, 12, 2010), for bearing down in the first turn causing interference to other horses in race 4 on August 14, 2010, at Sudbury Downs, in violation of Rule 22.05.01(a) of the Rules of Standardbred Racing.

On September 4, 2010, Belanger filed a Notice of Appeal, pursuant to Rule 24.01(b) of the Rules of Standardbred Racing.

On December 4, 2010, a Panel of the Ontario Racing Commission ("ORC"), comprised of Commissioner Brenda Walker as Chair, convened for the purpose of hearing this matter.

Rick Rier appeared on behalf of the Administration of the ORC. Belanger participated via phone for the Hearing to request an adjournment due to weather, and the fact that a witness was unable to attend due to being out of the province.

The Panel granted the request for the hearing to be adjourned until January 12, 2010.

The Transcript of the Panel's Reasons for Decision is attached to this Ruling.

DATED at Toronto this 24<sup>th</sup> day of December 2010.

BY ORDER OF THE COMMISSION

  
John L. Blakney  
Executive Director



1 Hearing continued ...

2 MADAME CHAIR: If you are going to withdraw this appeal then you have  
3 to come here on - if you are not going to take this today then you will have to come here on  
4 January the 12th in person.

5 MR. BELLANGER: Yes, that's fine. That's no problem. I'm willing to go down  
6 on January the 12th. That's not a problem.

7 MADAME CHAIR: Okay and then we will deal with your appeal.

8 MR. BELLANGER: I know today I'm not worried about making new papers  
9 and all that kind of stuff but if it can't be done, I understand.

10 MADAME CHAIR: Well, we can this but that's what I'm saying, we are going  
11 to assess you a \$500.00 cost.

12 MR. BELLANGER: Yes. No, that's too much. That's too much.

13 MADAME CHAIR: Because if you are going to come down here in January  
14 you have to figure out what it is going to cost you to come down here too.

15 MR. BELLANGER: I live in Barrie. Yes, I'm in Sudbury now because my wife  
16 and my child are here right now because he has a medical problem so I'm hoping to be back  
17 home after the New Year's Day.

18 MADAME CHAIR: Okay.

19 MR. BELLANGER: But I'm not sure exactly what is going on then.

20 MADAME CHAIR: Okay, then we will see you January the 12th.

21 MR. BELLANGER: Yes.

22 MADAME CHAIR: Okay.

23 MR. BELLANGER: And if some things change or you want a change if it can  
24 be settled some how somebody can give me a call but I think \$500.00 is too much.

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MR. RIER: Gerry - Mr. Bellanger, it is Rick again. You understand like not just witnesses today but all the summons and the paperwork that went out --

MR. BELLANGER: Sure, I know it has been --

MR. RIER: -- and myself here.

MR. BELLANGER: You know I wouldn't have put this appeal up if - this is not a frivolous appeal. I wouldn't put this in if I didn't think - I wasn't joking. I'm not worried about going there and losing and being assessed costs. I'm not worried. I think I'm going to win this thing.

MR. RIER: Okay.

MADAME CHAIR: You do realize that if it is a frivolous appeal you could be assessed \$1,500?

MR. BELLANGER: Correct.

MR. RIER: Okay, as long as it is not - you said you were aware of the rules regarding procedure and frivolous appeals and not showing?

MR. BELLANGER: Yes. Like I've seen the rules and everything.

MR. RIER: So January 12th will be the appeal date and you will be in attendance, correct?

MR. BELLANGER: One hundred percent.

MR. RIER: Mr. Bellanger, thank you.

MR. BELLANGER: Thank you very much. Have a good day.

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