



COMMISSION HEARING

TORONTO, ONTARIO – DECEMBER 3, 2010

**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  
STANDARDBRED LICENSEE ANDY MOORE**

Standardbred Licensee Andy Moore (“Moore”) appealed Ruling SB 41559, dated July 3, 2010, wherein he was suspended for 5 days (August 3, 4, 5, 6 and 7, 2010), for changing course while driving “DM FATBOY SLIM” during the stretch drive of the 8<sup>th</sup> race at Hiawatha Horse Park on July 24, 2010, in violation of 22.05.01(a) the Rules of Standardbred Racing.

On December 3, 2010, a Panel of the Ontario Racing Commission (“ORC”) consisting of Commissioner Brenda Walker as Chair, was convened to hear the appeal.

Rick Rier appeared on behalf of the Administration and Moore attended the hearing in person and was self-represented.

Upon hearing the testimony of Judge Dave Stewart, and Mark Williams, upon reviewing the exhibits filed and upon hearing the submissions of Rick Rier and Moore, the Panel allowed the appeal.

The order of finished was revised as follows:

1. ALLAMERICAN ZORO;
2. DM FATBOY SLIM;
3. FITFORALIFETIME L;
4. ROCK PAPER SCISSOR L; and
5. BO GRAYSON L.

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

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

BY ORDER OF THE COMMISSION

  
John L. Blakney  
Executive Director

ONTARIO RACING COMMISSION

**RE: STANDARD BRED HEARING**

IN THE MATTER OF AN APPEAL AND REQUEST FOR HEARING OF

**ANDY MOORE**

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Held Before:

Brenda Walker, Commissioner

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This is an excerpt of a Hearing of the Ontario Racing Commission re: **ANDY MOORE**, taken before Toronto Court Reporters, Suite 1410, 65 Queen Street West, Toronto, Ontario, at 10 Carlson Court, Suite 400, Toronto, Ontario, on the 3rd day of December, 2010.

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Appearances:

Rick Rier,

representative for the Ontario  
Racing Commission  
Administration

1 Hearing continued ...

2 HEARINGS CLERK: All rise please.

3 MADAME CHAIR: Please be seated. This is the appeal for Andy  
4 Moore regarding SB41559 which was a five day suspension, Rule 22.05.01(a) driving  
5 DM FATBOY SLIM in the 8th race at Hiawatha on July 24th, 2010. He finished 2nd  
6 and was placed 7th for changing course in the stretch and interfering with driver Brad  
7 Forward and causing his horse to make a break. After reviewing the tape and  
8 hearing the evidence from Mark Macdonald that wasn't available to the Judges at the  
9 time of the hearing I am going to allow the appeal and the placing will go back to he  
10 will be finishing 2nd. Any questions?

11 MR. MOORE: Thank you.

12 MR. RIER: Thank you.

13 MADAME CHAIR: Actually I have a little more because I should  
14 actually do the decision right now. I believe that the film shows that Brad Forward  
15 was driving directly behind you with his feet right behind your wheel and that his  
16 horse was bearing in coming off the top turn and that he did make contact with your  
17 wheel and that his horse in turn went off stride. A driver shall not change course and  
18 swerve into another driver to cause a horse to go off stride, which I don't believe that  
19 you did and I also believe that a driver shall drive that he actually has room in a race  
20 that allows him to manoeuvre and that is why I have made this decision.

21 MR. RIER: Thank you.

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