



COMMISSION HEARING

TORONTO, ONTARIO – DECEMBER 22, 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
OF STANDARDBRED LICENSEE ISAAC WAXMAN**

Standardbred Licensee Isaac Waxman ("WAXMAN"), (ORC Licence # Z06966), appealed Ruling SB 41589, dated December 5, 2010, wherein following an altercation with another licensee after the 4th race at Flamboro Downs on November 25, 2010, and pursuant to Rule 25.02.02 (iii) and (iv) of the Rules of Standardbred Racing, WAXMAN's licence to drive was downgraded to a "C", with zero points, and with the following conditions:

- a. He was placed on probation for 2 years (December 6, 2010 – December 5, 2012);
- b. He shall keep the peace and be of good behaviour; and
- c. He must complete an anger management course and provide proof of such by June 30, 2011.

On December 22, 2010, a Panel of the ORC consisting of Chair Rod Seiling, Commissioner David Gorman, and Commissioner Brenda Walker convened to hear the appeal.

Angela Holland appeared as counsel for the Administration, Robert Burgess, Q.C., appeared as counsel for WAXMAN and WAXMAN attended in person.

Upon hearing testimony of Senior Judge Mike Brown, Scott Zeron, and Aaron Waxman, upon reviewing the exhibits filed and upon hearing the submissions of counsel for the Administration and of counsel for WAXMAN, the Panel denied the Appeal.

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

Dated at Toronto this 24th day of December, 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

ISAAC WAXMAN

Held Before:

Rod Seiling, Chairman

David Gorman, Commissioner

Brenda Walker, Commissioner

This is an excerpt of a Hearing of the Ontario Racing Commission re: **ISAAC WAXMAN**, taken before Toronto Court Reporters, Suite 1410, 65 Queen Street West, Toronto, Ontario, at 10 Carlson Court, Suite 400, Toronto, Ontario, on the 22nd day of December, 2010.

Appearances:

Angela Holland,

counsel for the Ontario
Racing Commission
Administration

Robert Burgess, Q.C. counsel for Isaac Waxman

1 Hearing continued ...

2 MR. CHAIRMAN: All rise. Please be seated. After carefully
3 listening to the testimony and reviewing the evidence and submissions the panel
4 denies the appeal. There is no disagreement to the ruling except the downgrading of
5 the appellant's license to a C category from a B category. The panel accepts the
6 testimony of Judge Brown that the Judges want to help Mr. Waxman and their ruling
7 is the best means of help in their disposition. Mr. Waxman can quickly regain his B
8 license. The time frame can be as fast as 15 drives. Therefore the time frame as a C
9 license holder is his and his alone. The panel reasonably concludes that the ruling
10 does not convey any economic hardship and will allow him to drive, in stake races,
11 his own horses that may be entered come spring. The ruling will force Mr. Waxman
12 to come to grips with his record to date, one that needs to improve. Sixteen violations
13 in 143 drives, nine of which are driving related, demonstrates the need for
14 improvement. In Leach SB 022/2005 at page 6: "The Judges at Rideau Carleton in
15 SB31137 saw fit "in consideration of protecting the safety of drivers and horses to
16 protect the integrity of harness racing ..." to downgrade the appellant's driving license
17 from category B to category C." We concur.

18 Mr. Zeron's testimony in and of itself, although undisputed, related to
19 Mr. Waxman's shortcomings as a driver is supported by sworn testimony at Mr.
20 Waxman's hearing on April 14, 2010 wherein drivers MacDonald, MacKenzie and
21 Davies all questioned his driving abilities. Therefore it is reasonable to conclude that
22 Mr. Waxman's penalty is appropriate and the panel concurs that in its totality will
23 provide Mr. Waxman with the opportunity to improve in all facets of his approach to
24 racing.

25
26 CERTIFIED CORRECT: _____
27 RAYMOND P. MACDONALD, B.A., CVR
28 Commissioner of Oaths