



COMMISSION HEARING

TORONTO, ONTARIO – APRIL 22, 2009

IN THE MATTER OF THE RACING COMMISSION ACT, S.O. 2000, c. 20;

**AND IN THE MATTER OF AN APPEAL AND REQUEST FOR
HEARING OF ERNIE A. HENDRY**

On March 15, 2009, the Judges at Windsor Raceway issued Standardbred Official Ruling SB 38581 to Ernie A. Hendry (Hendry) with a penalty of a \$2,000 fine and a 150-day full suspension (March 23, 2009 – August 19, 2009) comprised of a 75 day suspension and a \$1,000 fine for the positive test and a 75-day suspension and a \$1,000 fine for the breach of probation for the following reasons:

Violation of ORC Rules 9.09(b), 26.02.02, 26.02.02 and violation of Policy Directive 3-2008 and SB 37949. Hendry who is the trainer of record for the horse HICKORY RABBIT did violate ORC Rules as a result of a positive test from the horse HICKORY RABBIT on February 21, 2009 at Windsor Raceway. The horse was in race 2 and finished 1st. The official sample contained Methocarbamol, a class IV Drug...did breach SB 37949, section (1).

Further to Standardbred Official Ruling SB 38581, the Judges issued Standardbred Official Ruling SB 38580 to Hendry with a penalty of 2 years probation, plus prior probation (September 4, 2010 – September 4, 2012, inclusive) along with conditions, in accordance with Rule 26.02.20 of the Rules of Standardbred Racing and Policy Directive No. 3-2008.

This positive test occurred 3 months and twenty-one days after Hendry completed his 60-day suspension for the positive TCO₂ test result (a class III drug) from the horse, DIEGO SEELSTER, trained by Hendry. In addition to the 60-day suspension, Hendry was penalized with a \$1,500 fine and 2 years probation for the positive TCO₂ test.

On March 17, 2009, HENDRY filed a Notice of Appeal in respect to Standardbred Official Rulings SB 38580 and 38581.

On April 22, 2009, a Panel of the ORC, comprised of Vice Chair Hon. James M. Donnelly, Commissioner David Gorman and Commissioner Brenda Walker, was convened to hear the appeal.

Jennifer Friedman appeared as counsel for the Administration. Hendry attended the Hearing with law clerk, Kelly Ferris, acting as his representative.

Upon considering the Agreed Statement of Facts, hearing the testimony of Senior Judge Don Lawrence, reviewing the exhibits filed, and upon hearing the submissions, the Panel ruled as follows:

1. The Appeal relating to the positive test fails.
2. The Appeal relating to the breach of probation fails with the penalty varied to the extent of deleting the 75-day suspension.
3. The net result is 75 days full suspension, a fine of \$2,000 and probation for two years with the standard terms in Directive No. 3-2008 to run from the date on which the Judges imposed the probation order.
4. The fine will be paid before Hendry returns to racing.

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

DATED at Toronto this 8th day of May 2009.

BY ORDER OF THE COMMISSION


John L. Blakney
Executive Director



REASONS FOR DECISION

1. These are the Reasons for the Ernie A. Hendry Decision of April 22, 2009.

Counsel's Status

2. Ernie A. Hendry retained a lawyer to act on his Appeal. The lawyer prepared the Factum but being otherwise engaged, sent Kelly Ferris, a clerk in the Lawyer's office, to conduct the Appeal.

3. The parties had come from Windsor. An adjournment, based on the Clerk's status to appear, was well down on the list of options. Mr. Hendry wished to proceed. There was no evidence of formal certification by Ms. Ferris. However, she asserted a wide experience over 15 years employment with the lawyer. Under the umbrella of the lawyer's status, Ms. Ferris was permitted to proceed. Formal discussion of the amendment to the Statutory Powers Procedure Act requiring that "representatives" before Administrative Boards hold a Law Society Licence will stand over for another day.

The Penalty Appeal

4. Ernie A. Hendry (Hendry) appeals the penalty imposed by the Windsor Raceway Judges by ruling SB3851, March 15, 2009 for a positive test for Methocarbamol on HICKORY RABBIT, winner of race number 2 February 21, 2009. Hendry was the trainer of HICKORY RABBIT and was found to be in violation of Standardbred Rules 9.09 and 26.02.02. By an Agreed Statement of Facts neither the positive test nor the breach of probation were in issue on the Appeal. The sole issue was penalty.

5. The Judges imposed a \$2,000.00 fine and a full suspension for 150 days (March 23, 2009 to August 19, 2009) comprised as follows:

- for a positive test a \$1,000.00 fine and a 75 day full suspension
- for breach of probation an additional \$1,000.00 and an additional consecutive 75 day full suspension
- probation for two years with the standard conditions identified in ORC Policy Directive No. 3-2008 (appended hereto).

The Prior Positive Test

6. Mr. Hendry's difficulty is compounded as a result of a positive TCO₂ test on the horse DIEGO SEELSTER trained by Mr. Hendry which raced in the second race at Hiawatha Horse Park August 7, 2008. The penalty imposed was a \$1,500.00 fine and 60-day full suspension (September 3, 2008 to November 1, 2008) with two years probation from September 3, 2008 to September 3, 2010 with the same standard conditions. The HICKORY RABBIT probation was made consecutive to the DIEGO SEELSTER probation (September 4, 2010 to September 4, 2012). For the purpose of the Penalty Guidelines, "A TCO₂ offence is considered to be a Class III drug violation."

Administration of Methocarbamol

7. Hendry's evidence was that he administered the Robaxin powder for therapeutic purposes in the feed grain about thirty hours out from race time (a Class IV violation according to the Guidelines). Whatever the cause, there was a dramatic improvement in racing form.



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The Guidelines (Appended hereto)

8. ORC Penalty Guidelines are based on Uniform Guidelines for Foreign Substances published by the Association of Racing Commissioners Inc. Those guidelines provide a recommended penalty range for first and subsequent offences for Class I, II, III, IV and V drugs.

9. The Guidelines also give direction for determination of whether the offence should be considered a subsequent offence by referencing the same class over the preceding three years.

10. The Commission is not bound by the Guidelines and may upon demonstration of good cause depart from them. Prior offences may be taken into account as aggravating factors, even though for technical or time reason, those prior offences do not operate to render the current offence a “subsequent” offence within Guideline definitions.

Penalty Grid

Class of Drug	1st Offence	2nd Offence	3rd Offence	4th Offence
Class I	1 – 5 years plus \$5,000 fine	5 – 10 years plus \$20,000 fine	10 year suspension plus fine	
Class II	1 – 5 years plus \$5,000 fine	2 – 10 years plus \$10,000 fine	10 year suspension plus fine	
Class III	60 – 180 days plus \$1,500 fine	6 months – 1 year plus \$5,000 fine	1 year – 2 years plus \$10,000 fine	2 years or more plus \$20,000 fine
Class IV	15 – 75 days plus \$1,000 fine	30 – 150 days plus \$2,000 fine	60 – 300 days plus \$4,000 fine	1 year or more plus \$8,000 fine
Class V	15 – 75 days plus \$1,000 fine	30 – 150 days plus \$2,000 fine	60 – 300 days plus \$4,000 fine	1 year or more plus \$8,000 fine
Non- Therapeutic	10 years plus \$40,000 fine	25 years plus \$100,000 fine		

11. Understanding the penalty requires understanding of the penalty grid. In *Harris v ORC* 2001 O.J. 231, the Divisional Court held that since significantly more severe penalties were contemplated by the Guidelines, in order to be retrospective, they must be so stated.

12. As a result, on March 30, 2001, the Guidelines were revised to provide for their retrospective effect. Specifically, the amendment stated that offences prior to March 30, 2001 would be taken into account in determining whether the offence in issue was first, second or subsequent.

13. The discussion which follows is premised upon understanding that the severity of offences is gauged in descending order Class I, Class II and so on.



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Step I

14. Determination of whether the offence is first second or subsequent is made horizontally on the grid.

Assume there are prior Class I and Class II violations but no prior Class III violation. Against that background a Class III violation would be categorized as a first offence (strictly speaking, a first Class III offence).

Step II

15. The prior Class I and Class II violations are factored into the penalty equation as aggravating elements.

Step III

16. What weight is to be attributed to those two aggravating elements?

According to the grid, three consecutive Class IV offences would call for a suggested penalty of 60-300 days plus a \$4,000 fine. However, a sequence of the more serious Class I violation, the more serious Class II violation and Class III violation must be cumulatively more serious than 3 consecutive Class III violations. Thereby a penalty well into the upper range of the suggested penalty for a third offence or beyond may be indicated.

First or Second Offence

17. Applying that format, with no prior Class IV violation, Hendry's positive test (Class IV) is a first offence.

18. However, the DIEGO SEELSTER Class III violation must be taken into account. Furthermore it constitutes a more serious prior record than would be the case had there been a prior Class IV violation.

19. For a second Class IV offence, that suggested range is 30 – 150 days plus a \$2,000 fine. Because of the prior Class III offence, Hendry's penalty should be something more than the minimum for a second Class IV offence.

The Positive Test Penalty

20. The next consideration would be that a reduction of penalty on hardship or compassionate grounds for a directly drug-related offence will be rare indeed. This theme has sounded many times, but not with universal impact. Reduced to simplest terms, racing requires public confidence. By breaking rules, racing "druggists" and "chemists" become cheaters. Cheating and public confidence are mutually exclusive. The message is "play by the rules or don't play." A hard line is required. Penalties must carry impressive components of specific and general deterrence. In relation to the positive test this is not a case for mitigation of penalty.

21. The time sequence is relevant to the specific deterrent component. The HICKORY RABBIT positive test occurred three months and 21 days after the DIEGO SEELSTER positive test suspension and less than six months into the 24-month probationary period.

22. The DIEGO SEELSTER probation imposed terms specifically crafted to safeguard against further drug violations:

keep the peace and be of good behaviour



authority to ORC investigators to conduct random searches of his stable area for illegal or non-therapeutic drugs

authority to investigators to seize illegal or non-therapeutic drugs

notice that he will be subject to the ORC out of competition drug testing program

23. Imposition of those anti-drug provisions was ineffective. Thereby a need for an increased specific deterrence component is demonstrated.

24. Given the massive industry response to the drug threat starting about 2003, penalty precedents from 2000 and 2001 are of limited value in drug violations. Baselines have been substantially elevated since then.

25. No justification for reducing the 75 days and \$1,000 fine for the positive test exists. Arguably, there may be grounds to increase that penalty (two positives in close succession). However, no Cross Appeal by the Administration seeking an increased penalty was before the Panel. The penalty imposed by the Judges, falls within the proper range.

26. The Appeal relating to the positive test fails.

The Probation Order

27. As an adjunct to licensing authority, there has long been an ORC program of rehabilitative support for human addiction to drugs or alcohol. This has been structured by probationary terms and conditions. In parallel mode, an ORC Panel may impose a form of probation by staying the penalty imposed or a portion thereof conditioned upon the licensee's good behaviour over a fixed time interval.

28. In both cases, breach of the probationary term triggers a fixed and known penalty which will have been identified when the probation was imposed.

29. By Policy Directive No. 3 (Jan 23) 2008 (appended hereto), the ORC, pursuant to its authority to impose licensing conditions, embarked upon an additional form of probation. The right to impose probationary terms is founded on positive test violations as stated in the Directive: "Licensing terms guidelines for positive test/medication rule violations". One distinguishing feature is that the penalty for breach of this new form of probation has not been identified in advance. The penalty is discretionary and will be dictated by the circumstances of the individual case. To ensure fairness and reasonably uniform and predictable consequences, guidelines should be established.

30. The Windsor Judges had no precedents to guide them on the probation issue. This is the first case to come before a Panel of the Commission dealing with this recently introduced form of Probation Order. Nor could the Judges look to any supporting sub-structure in the Rules of Racing for guidance.

31. Policy Directive No. 3-2008 identified licensing terms which enabled imposition of probationary terms as an element of penalty by Stewards, Judges or ORC Panels.

32. Briefly stated, the terms may be:

- Imposed for a two-year period. Implicitly this is a maximum and must include power to impose such as 6 – 12 – 18-month periods of probation where appropriate.
- Keep the peace



- Subject to random stable area search
- Subject to seizure of non-therapeutic medications/drugs
- Subject to the out of competition program
- Subject to Notice of Proposed Order

Penalty for Breach

33. Assessing penalty for breach of probation requires consideration of two issues:

- A significant component of the offence is the affront to constituted authority by breaching the Commission's probation order - akin to a contempt of Court (mindful always that Administrative Tribunals have no jurisdiction over contempt of court per se).
- The gravity of the conduct constituting the breach.

34. The conduct constituting the breach can be treated in two ways. A licensee who breaches probation by a positive test, may face either of two scenarios:

Firstly

- A charge relating to the positive test and
- A charge relating to the breach of probation.

Secondly

- A charge relating to the positive test but no breach charge.
In this event the Administration could present the fact of the breach as an aggravating element supporting a claim for an increased penalty on the positive test charge.

35. The significance of this distinction is that the effect given to the aggravating element would rarely operate to double the penalty (to add another 75 days and another \$1,000 if the appropriate penalty for the positive test was otherwise 75 days and \$1,000). Breach of probation is not a "stand alone" offence and generally will not be as serious as the underlying offence. So it will be a rare case where the breach penalty equates to the penalty for the underlying offence.

The Rehabilitative Element

36. The theory underlying probation is primarily rehabilitative as opposed to punitive. Hence the duration is usually for a year or two. In the criminal law setting, probation orders take effect on the date the order is pronounced, not on some future date such as the expiration on an existing order. The basis is that essentially the order is not punitive, and rehabilitation over a two-year timeframe is seen as a reasonable objective. Accordingly, probation orders run concurrently and not consecutively. So it should also be in racing context.

37. Probation is notice to the offender:

- That atonement for his wrongdoing has yet to be completed.
- He is the master of that fate.
- In a sense, the stakes have been raised. The compassionate card has already been played in order to achieve the opportunity for probation. The consequences of breach may be stern.



Mitigation

38. While the plea for leniency fails in respect of the drug related violation, the probation violation is one step removed from or secondary to the drug violation and so there is basis to consider factors that may support a compassionate component in the assessment of penalty. The specific mitigating circumstances are:

- A long time industry employee but only a recent independent operator as trainer & driver
- An industry “little guy” with a two-horse stable
- Family man with two dependent children
- In difficult economic climate, employment is at premium value
- The Windsor district endures the suffering of the auto industry (Section 16(a) S.P.P.A Judicial Notice)
- The drug Methocarbamol (Robaxin) was therapeutic
- No performance enhancing drug was detected
- Innocent explanation was offered, an unknowing breach of pre-race medication timelines
- That explanation fell short of a due diligence defense to the trainer responsibility Rule (26.02.01)
- More in the sense of absence of an aggravating factor. That the second positive was less serious than the first. (Class III followed by Class IV)

39. Two key findings enable consideration of mitigation of penalty on compassionate grounds:

- No basis exists for rejecting his explanation of a timing error in administration of medication. Hence no knowing or willful wrongdoing.
- This penalty is not directly for a drug-related offence. It is for breach of probation. Those two concepts must be separately addressed. Otherwise the danger is of inflicting a double penalty for a single positive test.

40. By way of example, this notation appears on the Judges’ Positive Test Case Report:

”Ernie just had a Class 3 positive 4 months ago so we went to the high end of the Class 4 positive”

41. That comment is evidence that the Judges correctly concluded:

- The HICKORY RABBIT violation was a first offence (Class IV)
- The prior DIEGO SEELSTER positive was an aggravating factor
- The brief time span between the positive tests was in further aggravation

Accordingly they concluded the high end of the range for a first offence was appropriate (they imposed the suggested maximum 75 days plus \$1,000 fine and had authority to impose a greater penalty).

42. The error then occurs when the breach of probation is accorded the same penalty as the aggravated positive test.

43. The preferable approach is to make a global or total assessment of penalty and then make an equitable apportionment between the two offenses. This apportionment may be useful if there is a successful appeal on one count. If the penalties are separately assessed and then added together, this can on occasion produce an unfair result.



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44. There is indication that the Judges did come to a global assessment and then proceeded to an apportionment as indicated by this note on the Senior Judge's report:

“Ernie Hendry Class 4 positive and breach of probation - \$2,000 fine and 150 day full suspension Mar 23 – Aug 19/09 - \$1,000 fine and 75 days for positive test and \$1,000 fine and 75 days for breach of probation SB 38581.”

45. Matters went awry in the final stage. Clearly it would not have been unreasonable to increase the penalty for the positive test and decrease the penalty for the probation breach. Thereby the same global result.

46. A third finding indirectly supports the propriety of considering mitigation. A web site error in small measure operated to cast Hendry as an innocent victim. The web site error reported that Hendry had been granted a penalty stay enabling him to race pending determination of his appeal. In consequence of that error, Hendry suffered time and expense losses in attempting to enter and race horses. Fairness considerations would indicate that he, being free from any complicity in the error and having been misled by it to his disadvantage, should have some form of redress.

47. The Judges were in uncharted waters on the breach of probation charge. Lacking precedent or, analysis, and with minimal supporting rules substructure on probation, they acted professionally and with care. However, for the reasons herein, we have concluded that in this formative stage of breach of probation proceedings, the penalty should be varied to the extent of deleting the 75-day suspension for breach of probation. In all other respects, the appeal fails.

48. The net result is 75 days full suspension, a fine of \$2,000 and probation for two years with the standard terms in Directive No. 3-2008 to run from the date on which the Judges imposed the probation order.

49. The fine will be paid before Hendry returns to racing.

50. An Order will issue accordingly.

51. These reasons may assist Stewards and Judges firstly in dealing with breaches of probation and secondly, by demonstrating the propriety of giving reasons not only for the finding of a violation but also for the penalty imposed. Too readily the latter may be overlooked. Delivery of reasons is more than a courtesy. By Section 17(1) Statutory Powers and Procedure Act, it is an imperative upon demand. Licensees have an unqualified right to know the “why” as well as the “what”.

52. In relation to penalty, the proper approach is to start with parity considerations – similar penalties for similar violations in similar circumstances. The next step is to identify mitigating or aggravating factors and to assess their impact.

DATED this 8th day of May 2009.

James M. Donnelly
Vice Chair
Attachments



Standardbred Rules

Rule 9.09 Any person is guilty of an offense who:

- (a) administers or influences or conspires with any other person to administer to a horse, to affect the performance or condition of such horse, any drug which results in a positive test;
- b) enters a horse in a race, allows or authorizes a horse to compete in a race that has been administered any drug which results in a positive test.

Rule 26.02.01 A trainer shall be responsible at all times for the condition of all horses trained by him/her. The trainer must safeguard from tampering each horse trained by him/her and must exercise all reasonable precautions in guarding, or causing any horse trained by him/her to be guarded, from the time of entry to race until the conclusion of the race. No trainer shall start a horse or permit a horse in his/her custody to be started if he/she knows, or, if by the exercise of a reasonable degree of care having regard to his/her duty to safeguard their horse from tampering, he/she might know or have cause to believe, the horse is not in a fit condition to race or has received any drug that could result in a positive drug test. Without restricting the generality of the foregoing, every trainer must guard, or cause to be guarded by the exercise of all reasonable standards of care and protection, each horse trained by him/her so as to prevent any person from obtaining access to the horse in such a manner as would permit any person not employed by or not connected with the owner or trainer from administering any drug or other substance resulting in a pre-race or post race positive test. Every trainer must also take all reasonable precautions to protect the horse and guard it against wrongful interference or substitution by anyone in connection with the taking of an official sample.

Rule 26.02.02 Any trainer who fails to protect or cause any horse trained by him to be protected and a positive test thereby results or who otherwise violates this rule shall be guilty of an offence.

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January 23, 2008

POLICY DIRECTIVE NO. 1–2008 Penalty Guidelines for Equine Drug, TCO₂ and Non-Therapeutic Drug Offences

The Ontario Racing Commission at its meeting of Tuesday, January 22, 2008, approved the Penalty Guidelines for Equine Drug, TCO₂ and Non-Therapeutic Drug Offences Policy as follows, effective January 31, 2008:

Guidelines

Penalties for Equine Drug, TCO₂ and Non-Therapeutic Drug Offences

Class of Drug	1st Offence	2nd Offence	3rd Offence	4th Offence
Class I	1 – 5 years plus \$5,000 fine	5 – 10 years plus \$20,000 fine	10 year suspension plus fine	
Class II	1 – 5 years plus \$5,000 fine	2 – 10 years plus \$10,000 fine	10 year suspension plus fine	
Class III	60 – 180 days plus \$1,500 fine	6 months – 1 year plus \$5,000 fine	1 year – 2 years plus \$10,000 fine	2 years or more plus \$20,000 fine
Class IV	15 – 75 days plus \$1,000 fine	30 – 150 days plus \$2,000 fine	60 – 300 days plus \$4,000 fine	1 year or more plus \$8,000 fine
Class V	15 – 75 days plus \$1,000 fine	30 – 150 days plus \$2,000 fine	60 – 300 days plus \$4,000 fine	1 year or more plus \$8,000 fine
Non- Therapeutic	10 years plus \$40,000 fine	25 years plus \$100,000 fine		

Application of the Guidelines will take into consideration the following:

1. The Commission and/or its representatives will consider all offences for the purposes of assessing a penalty as a second or subsequent offence under these Guidelines.
2. The suggested penalties (suspension and fines) are guidelines only.
3. The Commission and/or its representatives may take into consideration any mitigating circumstances surrounding a positive test case, and may do any of the following:

- i. Impose a penalty that is lower than suggested in these guidelines.
 - ii. Subject to due process, find other licensed individuals responsible and impose penalties upon such licensee as deemed appropriate.
4. The Commission and/or its representatives may exercise discretion in interpreting these Guidelines and assessing penalties, and may consider all prior offences, in and outside of Ontario, involving any drug, medication, bicarbonate (TCO₂) or any other substance prohibited by rule or law. Although all prior offences may be considered in determining the appropriate penalty, the penalties for second and subsequent offences suggested in these Guidelines are based on:
 - i. The assumption that the previous offence(s) being considered were in the same class of drug, and
 - ii. The date of conviction or ruling for the previous offence(s) occurred within 3 years of the first offence.
5. For second or subsequent offences which occurred within 3 years of the first offence but in a different class of drug, the Commission and/or its representative will exercise discretion in assessing the penalty by considering the following:
 - i. The number and class(es) of all previous offences;
 - ii. The time frame between offences; and
 - iii. Any mitigating circumstances.
6. For the purposes of these Guidelines, a TCO₂ offence is considered a Class III drug.
7. On a first offence, the Commission and/or its representatives may impose a penalty beyond or below the range in appropriate circumstances.
8. Multiple offences occurring on the same race day to different horses of the same trainer may be considered as individual offences in appropriate circumstances.
9. Suspension periods are full suspensions as described in the Rules of Racing.
10. Regardless of the penalty imposed, the horse in question will be disqualified and the purse will be redistributed.
11. Class I through V drugs are based on the *Uniform Classification Guidelines for Foreign Substances*, published by the Association of Racing Commissioners International.
12. Non-Therapeutic will include any drug, substance or medication that is determined to be in the system of a horse that has no therapeutic value to the horse.

BY ORDER OF THE COMMISSION



John L. Blakney
Executive Director

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January 23, 2008

**POLICY DIRECTIVE NO. 3-2008
Licensing Terms Guidelines for Positive Test/Medication Rule Violations**

The Ontario Racing Commission at its meeting of Tuesday, January 22, 2008, approved the Licensing Terms Guidelines Policy as follows:

WHEREAS the Director has the authority to issue terms to a licence;

AND WHEREAS the Ontario Racing Commission is committed to ensuring that the integrity of the horse racing industry is maintained throughout the racing season;

TAKE NOTICE that the Director may issue terms to a licence for a two-year period for the following situations:

1. Any Licensee whose horse has tested positive for a Class I, II or III drug and the penalty issued is 60 days or more; or
2. Any Licensee whose horse has tested positive for a Class IV or V drug and the offence is a 2nd offence or more for the Licensee within three (3) years where the penalty issued is 60 days or more; or
3. Any Licensee whose horse was tested and the sample was found to contain Erythropoietin/Darbepoietin-Alfa or the existence of any substance or drug with no therapeutic value to the horse; or
4. Any licensee who has been found in violation of Standardbred Rule 6.46.01 or Thoroughbred Rule 15.31.01.

The following terms may be added to the licence of the Licensee as follows:

1. The Licensee shall keep the peace and be of good behaviour;
2. The Licensee shall allow Commission investigators access to his/her stabling area at any time to conduct unannounced random searches for illegal or non-therapeutic medications or drugs;
3. The Licensee shall allow Commission investigators to seize any illegal or non-therapeutic medications or drugs found at his/her stabling area; and
4. The Licensee shall be subject to the Commission's Out of Competition Program;
5. The Licensee may be subject to a Notice of Proposed Order in addition to any penalty imposed by the ORC Judges or Stewards for any breach of the terms of their licence.

BY ORDER OF THE COMMISSION

A handwritten signature in blue ink, appearing to read 'John L. Blakney'. The signature is stylized and fluid, with a long horizontal stroke extending to the right.

John L. Blakney

Executive Director