



COMMISSION HEARING

TORONTO, ONTARIO – AUGUST 16, 2011

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
STANDBRED LICENSEE JODY JAMIESON**

On June 22, 2011, standardbred Driver, Jody Jamieson, ("JAMIESON") (ORC Licence #R7773), appealed Judges' Ruling SB42629, dated June 21, 2011, wherein he was suspended for 5 days (June 26 to 30 inclusive) for driving in a careless and/or reckless manner in the stretch during the 2nd race, on June 14, 2011, at Mohawk Racetrack, in violation of Rules 22.05.01 (j), of the Rules of Standardbred Racing.

On August 16, 2011, a Panel of the Ontario Racing Commission ("ORC") consisting of Commissioner Brenda Walker as Chair, was convened to hear the appeal.

Rick Rier appeared as agent for the Administration. JAMIESON attended the hearing in person and was represented by Robert B. Burgess, Q.C.

Upon hearing the testimony of Judge Tom Miller, Driver Jody Jamieson and, upon reviewing the exhibits filed and, upon hearing the submissions of Rier and counsel, the Panel allowed the appeal in part and amended the driving suspension to 3 days, to be served August 21, 22, and 23, 2011.

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

Dated at Toronto, Ontario this 24th day of August 2011.

BY ORDER OF THE COMMISSION

John L. Blakney
Executive Director

ONTARIO RACING COMMISSION
STANDARD BRED HEARING
IN THE MATTER OF THE APPEAL AND REQUEST FOR HEARING OF
JODY JAMIESON:

Held Before:

Brenda Walker, Commissioner

These are the oral reasons and ruling in the above mentioned matter held before The Ontario Racing Commission, Re: **JODY JAMIESON**, taken before Toronto Court Reporters, Suite 1410, 65 Queen Street West, Toronto, Ontario, at 10 Carlson Court, Suite 400, Mississauga, Ontario, on the 16th day of August, 2011.

Appearances:

Rick Rier

agent for the Ontario Racing
Commission Administration

Robert Burgess

for Jody Jamieson

1 Hearing continued ...

2 MS. WALKER: Please be seated. Jody Jamieson
3 has appealed SB42629 a five day driving suspension from Rule
4 22.05.01 driving in a reckless or careless manner. After hearing
5 the testimony of Judge Miller and Jody Jamieson I have allowed
6 the appeal in part and that is that the violation was not careless or
7 reckless. He did not drive in a manner to intentionally cause
8 interference with disregard to the other drivers but he did cause
9 interference while on a break and has been placed accordingly.
10 Fine or suspension shall be discussed and given accordingly so
11 because there is a fine for interference is there not and causing a
12 break? He has been charged with causing the break - or having a
13 break and causing interference. There has been a placing so a
14 discussion as to whether there is any other further either a penalty
15 or a driving infraction that goes with that? I need to know which.

16 MR. MILLER: For causing interference there is or
17 there can be a penalty for it but that's up to your discretion in
18 deciding on that.

19 MS. WALKER: Okay, so that's what I wanted.

20 MR. MILLER: Yes, we have gone away from or we
21 don't usually give a fine for that. I just wanted to make that clear.

22 MS. WALKER: Okay, just before there is nothing in
23 my book to go on.

24 MR. BURGESS: Just possibly to expedite things
25 here and we don't need to get into all the discussion about what

1 happened after the fine. I don't think it is going to serve anybody
2 any good because there is not usually a money fine for that.

3 MS. WALKER: That's all I --

4 MR. BURGESS: There is a three day, normally a
5 three day, driving suspension. In this incidence --

6 MS. WALKER: You had mentioned that earlier.

7 That's why I wanted to --

8 MR. BURGESS: As I say, our submission would
9 be, to make it simple, have a three day driving suspension. Mr.
10 Jamieson will plead guilty to that on the basis that he is given
11 credit for the day he has already served.

12 MS. WALKER: Okay.

13 MR. MILLER: We will speak to that.

14 MR. RIER: Is it your decision that it will be reduced
15 from five to three?

16 MS. WALKER: Yes. I wanted to make sure that
17 that is what the normal is, okay because I wasn't sure whether
18 there was - because you didn't give me anything to go by what the
19 normal procedure is, if that's what my ruling was. So I am going to
20 give him a three day driving suspension but I have downgraded it
21 from careless and reckless to interference while on a break.
22 Okay?

23 MR. MILLER: So if I can just speak for a second
24 just because Mr. Burgess mentioned the one day that he has
25 already served. If that is going to be your decision and it is our

1 contention that Mr. Jamieson served that for a totally separate
2 issue. He did not serve that for any interference or careless or
3 reckless. He was not charged with that and he did not serve a
4 day for it.

5 MS. WALKER: Okay.

6 MR. MILLER: That's your ruling?

7 MS. WALKER: No, you will --

8 MR. BURGESS: I'll speak to that also.

9 MS. WALKER: Okay. Well, we haven't got into
10 that part. Now are we going to go into part two and discuss that or
11 not now?

12 MR. MILLER: Well, Mr. Burgess brought it up
13 when he said that Mr. Jamieson had already served one day.

14 MR. BURGESS: Yes, he has served one day.

15 MR. MILLER: That's the only reason I am speaking
16 to it.

17 MS. WALKER: Mr. Burgess, would you like to
18 speak?

19 MR. BURGESS: Just to clarify where we are
20 possibly for the panel there were attempts to have Mr. Jamieson
21 come in to discuss this. He had all kinds of other things at this
22 time of year. He has apologized for not getting in. He got in
23 within five - how many days after?

24 MR. JAMIESON: It was ...

1 MR. BURGESS: Five days or something but
2 whatever it is, in the midst of that controversy he was assessed or
3 he was not allowed to drive ten drives one night at Mohawk and to
4 suggest that isn't part of this case doesn't really make sense
5 because there was no charge. He wasn't charged with that. He
6 was just asked to not drive that night so I think --

7 MS. WALKER: I guess the question is did you give
8 him the day because he did not show up for the hearing or did he
9 take the day because he was already starting his suspension.

10 MR. BURGESS: No, no. There was - no, it was
11 because of controversy about what day he was to come in,
12 whether it was Thursday. I don't think you really want to listen to
13 the ins and outs of that.

14 MS. WALKER: No, I don't but all I want to know is
15 whether the day was because he didn't show up and because he
16 didn't show up they gave him the day and if that is the case then
17 he is still going to sit out three days, okay?

18 MR. BURGESS: Fine.

19 MS. WALKER: Because that is not tied to the
20 original case.

21 MR. BURGESS: The only problem with that day
22 they gave him, they gave him a one day suspension and they
23 didn't charge him with anything. So it is very hard to understand
24 where it fits.

1 MS. WALKER: Well, I believe it was because he
2 hadn't showed up to meet with the Judges and that is why he was
3 taken off all his drives that night. Now if you would like --

4 MR. MILLER: I'd love to.

5 MS. WALKER: -- to clarify it?

6 MR. MILLER: Mr. Jamieson was asked to come in
7 after the incident that we just saw. We said can you come in
8 Thursday, he said yes, I'll be there Thursday or Friday. He did not
9 show Thursday. We called him Thursday night, I'll be there
10 tomorrow night. He did not appear before the Judges on Friday
11 night. He was given a Notice of Hearing to come in to see us.
12 This is a written charge where he was charged with the violations
13 from careless and reckless driving on that. That's to dispel any
14 understanding that he didn't know until Monday the extent of what
15 we were looking at. That was on Friday night. We made it for
16 Monday night because Saturday night was the North American
17 Cup and we knew Jody had a lot to deal with on that night and we
18 weren't going to bother him on that night obviously and we made it
19 for Monday night. He refused to sign the Notice of Hearing and
20 took it with him and destroyed it. If he doesn't have that Notice of
21 Hearing that's his fault for getting rid of that. When Jody did not
22 show up on Monday night he was taken off his drives as Rule 6.07
23 says in the rule book and a ruling was written on that. Nowhere
24 does Mr. Jamieson show where he is appealing that penalty under
25 Rule 6.07 and 1.09 and that's why there is nothing in the book of

1 documents with regard to that ruling. That is a separate ruling for
2 him not showing. He was indefinitely suspended. He was not
3 suspended for one day. He was suspended until he came in and
4 saw the Judges. When he showed up the next night to review the
5 film with us he was reinstated. Mr. Burgess brought up the fact
6 that the bettors and WEG were put out because Mr. Jamieson
7 was taken off the drives. The management of WEG Mr. Jamie
8 Martin and Bruce Murray told us that they would give us letters of
9 recommendation saying that they backed us up on that decision
10 for him not showing up on the Monday night. Thank you very
11 much.

12 MS. WALKER: Mr. Burgess?

13 MR. BURGESS: I just want to clarify the record
14 that is not what I was advised by those gentlemen. However, if
15 there is I did not know there was a ruling made so it will appear
16 now in Jody's thing so there is a ruling on the two - was it 6.07?

17 MR. MILLER: 6.07 and 1.09.

18 MR. BURGESS: And you got the one day so
19 therefore that really has nothing to do with the other case and the
20 three days will flow.

21 MS. WALKER: So for this appeal you will get three
22 days, okay?

23 MR. BURGESS: Okay.

24 MS. WALKER: Thank you very much.

25 -----

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