



COMMISSION HEARING

TORONTO, ONTARIO – NOVEMBER 9, 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 WILLIAM MEGENS**

On September 10, 2011, the Judges issued Official Ruling SB 43943 wherein the horse “Snegemsriver Fork” driven by William Megens (“MEGENS”) was placed from 4th position to 8th for causing interference while off stride, to the horse “Hopefull Greystone” after the start of the fifth race at Flamboro Downs on September 10, 2011.

On September 11, 2011, MEGENS filed a Notice of Appeal pursuant to Rule 24.01 (b) of the Rules of Standardbred Racing.

On November 9, 2011, a Panel of the Ontario Racing Commission (“ORC”), comprised of Commissioner John Macdonald, convened for the purpose of hearing this matter.

Brian Newton appeared on behalf of the Administration for the ORC. MEGENS attended the hearing in person and was self-represented.

Upon reviewing the evidence, and hearing the testimony of Judge David Stewart, Drivers John Gouveia and MEGENS, reviewing the exhibits filed and considering the closing submissions, the Panel denied the appeal.

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

Dated at Toronto, Ontario this 16th day of November 2011.

BY ORDER OF THE COMMISSION


John L. Blakney
Executive Director

ONTARIO RACING COMMISSION
STANDARD BRED HEARING
IN THE MATTER OF AN APPEAL AND REQUEST FOR HEARING OF
WILLIAM MEGENS

Held Before:

John Macdonald, Commissioner

These are an excerpt of the proceedings in the above mentioned matter held before The Ontario Racing Commission, Re: **WILLIAM MEGENS**, taken before Toronto Court Reporters, Suite 1410, 65 Queen Street West, Toronto, Ontario, at 10 Carlson Court, Suite 400, Toronto, Ontario, on the 9th day of November, 2011.

Appearances:

Brian Newton,

agent for the Ontario Racing
Commission Administration

1 Hearing commenced ...

2 MR. CHAIRMAN: Thank you. I understand your concern,
3 Mr. Megens, with the possibility of drivers not paying enough
4 attention to what's around them. Most of them do. That's why,
5 they do have experience to various degrees. I know you have
6 been around for some time but notwithstanding that because you
7 have been around some time you do have an obligation when
8 your horse is on a break to take remedial action and in this case it
9 would appear from the video that while you did pull the horse off
10 you didn't do it as soon as the break was there. Presumably
11 hoping that the horse would go back to staying flat but it didn't.
12 You were on a break and I can understand why. You didn't lose
13 ground but effectively you took yourself out of the race but not
14 soon enough. So I am going to deny your appeal and the Judges'
15 placing will stand as is. Thank you, gentlemen.

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