



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
STANDARD BRED LICENSEE RANDY WAPLES**

On September 8, 2011, the Judges issued Official Ruling SB 44403 wherein Randy Waples ("WAPLES") was given a \$200 fine for failure to come into position and remain on the starting gate while driving "Mighty Me" in the eleventh race at Mohawk Racetrack on September 5, 2011.

On September 9, 2011 WAPLES 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. WAPLES attended the hearing in person and was self-represented.

Upon reviewing the evidence, and hearing the testimony of Woodbine Entertainment Starter James Roselle and Driver WAPLES, 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
RANDY WAPLES

Held Before:

John Macdonald, Commissioner

These are an excerpt of the two proceedings in the above mentioned matter held before The Ontario Racing Commission, Re: **RANDY WAPLES**, 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: The difficulty here it is like a Hobb's Choice as far as the
3 drivers saw but I have to look at what the starter saw. Both you and Mr. McNair have
4 your horses at the back of the gate and may have started, in your case, the fair start
5 pole being on and then you backed off. The perception is that you either didn't want
6 to try or the horse couldn't try and you had the choices to either drop back after the
7 start or go on and hope for an opening and you did. I recall after looking at this race
8 you did move up after but some of the opportunity was gone. As I recall this race the
9 horse is the front runner and threw the anchor the announcer said and pretty much
10 went nowhere. So as a bettor you are looking at what opportunities did you give me
11 to get something for my buck. The rules are quite clear in this case. The starter did
12 the right thing. He fined both of you so I am going to deny your appeal. Thank you.

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21 CERTIFIED CORRECT

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23 RAYMOND P. MACDONALD, B.A., CVR
24 Commissioner of Oaths