



COMMISSION HEARING

TORONTO, ONTARIO – JUNE 17, 2008

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

**AND IN THE MATTER OF THE APPEAL OF  
STANDARDBRED LICENSEE ANETTE LORENTZON**

Standardbred trainer, Anette Lorentzon, appealed Standardbred Ruling SB 36879 dated March 28, 2008, in which the Judges found a violation of Rules 9.09(b) and 26.02.01 arising from a certificate of positive analysis for the Class I substance AMINOREX in the horse BENEDICTION LINDY, arising after the second race at Flamboro Downs on September 12, 2007.

On June 17, 2007, a Panel of the Commission consisting of Chair Rod Seiling, Vice-Chair Hon. James Donnelly and Commissioner David Gorman, convened to hear the appeal. Brendan Van Niejenhuis appeared as counsel to the Administration. D. Larry Todd appeared as counsel to Anette Lorentzon.

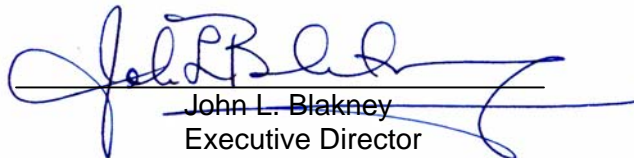
On being advised that the Administration intended to call no evidence on the hearing *de novo*, and on hearing the submissions of counsel for the Administration and for Anette Lorentzon, and on being advised of the consent of all parties to this Order, the Panel ordered as follows:

1. The appeal with respect to Certificate No. 1605521 from CanTest Limited dated September 21, 2007, is hereby allowed and no finding of responsibility by the appellant is made.
2. Standardbred Ruling SB 36879 dated March 28, 2008, is accordingly set aside, subject to paragraph 3 of this Ruling.
3. That portion of Standardbred Ruling SB 36879 relating to Rule 9.13 and 18.08.01, shall remain in full force and effect, by operation of Rule 9.13 and on consent of all parties.
4. Standardbred Ruling SB 58/2008, dated April 4, 2008 and amended May 15, 2008, whereby Ruling SB 36879 was made subject to a stay, is accordingly hereby set aside.

The Panel gave oral reasons for the Ruling, a copy of which is attached hereto.

DATED this 27<sup>th</sup> day of June 2008.

BY ORDER OF THE COMMISSION

  
John L. Blakney  
Executive Director



COMMISSION HEARING

TORONTO, ONTARIO – JUNE 17, 2008

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

**AND IN THE MATTER OF THE APPEAL OF  
STANDARDBRED LICENSEE KAREN COOPER**

Standardbred licensee Karen Cooper appealed Standardbred Ruling SB 36883 dated March 31, 2008, in which the Judges found a violation of Rules 9.09(b) and 26.02.01 and 26.02.02 arising from a certificate of positive analysis for the Class I substance AMINOREX in the horse STRAIT FROM THE HEART arising after the sixth race at Flamboro Downs on October 17, 2007.

On June 17, 2007, a Panel of the Commission consisting of Chair Rod Seiling, Vice-Chair Hon. James Donnelly and Commissioner David Gorman, convened to hear the appeal. Brendan Van Niejenhuis appeared as counsel to the Administration. Brian Greenspan appeared as agent to Karen Cooper.

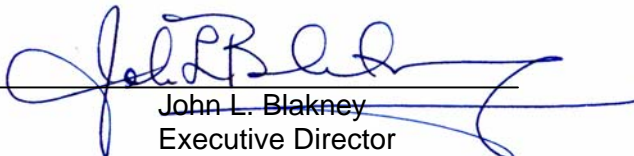
On being advised that the Administration intended to call no evidence on the hearing *de novo*, and on hearing the submissions of counsel for the Administration and for Karen Cooper, and on being advised of the consent of all parties to this Order, the Panel ordered as follows:

1. The appeal with respect to Certificate No. 1608573 from CanTest Limited dated October 24, 2007 is hereby allowed and no finding of responsibility by the appellant is made.
2. Standardbred Ruling SB 36883 dated March 31, 2008, is accordingly set aside, subject to paragraph 3 of this Ruling.
3. That portion of Standardbred Ruling SB 36883 relating to Rule 9.13 and 18.08.01, shall remain in full force and effect, by operation of Rule 9.13 and on consent of all parties.
4. Standardbred Ruling SB 59/2008, dated April 4, 2008 and amended May 15, 2008, whereby Ruling SB 36883 was made subject to a stay, is accordingly hereby set aside.

The Panel gave oral reasons for the Ruling, a copy of which is attached hereto.

DATED this 27<sup>th</sup> day of June 2008.

BY ORDER OF THE COMMISSION

  
John L. Blakney  
Executive Director



COMMISSION HEARING

TORONTO, ONTARIO – JUNE 17, 2008

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

**AND IN THE MATTER OF THE APPEAL OF  
STANDARDBRED LICENSEE MITCHELL SAHELY**

Standardbred licensee, Mitchell Sahely, appealed Standardbred Ruling SB 36880 dated March 31, 2008, in which the Judges found a violation of Rules 9.09(b) and 26.02.01 and 26.02.02 arising from a certificate of positive analysis for the Class I substance AMINOREX in the horse LIMCO BOOGIE arising after the first race at Flamboro Downs on September 19, 2007.

On June 17, 2007, a Panel of the Commission consisting of Chair Rod Seiling, Vice-Chair Hon. James Donnelly and Commissioner David Gorman, convened to hear the appeal. Brendan Van Niejenhuis appeared as counsel to the Administration. Brian Greenspan appeared as agent to Mitchell Sahely.

On being advised that the Administration intended to call no evidence on the hearing *de novo*, and on hearing the submissions of counsel for the Administration and for Mitchell Sahely, and on being advised of the consent of all parties to this Order, the Panel ordered as follows:

1. The appeal with respect to Certificate No. 1605600 from CanTest Limited dated September 26, 2007 is hereby allowed and no finding of responsibility by the appellant is made.
2. Standardbred Ruling SB 36880 dated March 31, 2008, is accordingly set aside, subject to paragraph 3 of this Ruling.
3. That portion of Standardbred Ruling SB 36880 relating to Rule 9.13 and 18.08.01, shall remain in full force and effect, by operation of Rule 9.13 and on consent of all parties.
4. Standardbred Ruling SB 60/2008, dated April 4, 2008 and amended May 15, 2008, whereby Ruling SB 36880 was made subject to a stay, is accordingly hereby set aside.

The Panel gave oral reasons for the Ruling, a copy of which is attached hereto.

DATED this 27<sup>th</sup> day of June 2008.

BY ORDER OF THE COMMISSION

  
John L. Blakney  
Executive Director



COMMISSION HEARING

TORONTO, ONTARIO – JUNE 17, 2008

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

**AND IN THE MATTER OF THE APPEAL OF  
STANDARDBRED LICENSEE GEORGE PETERS**

Standardbred licensee, George Peters, appealed Standardbred Ruling SB 36881 dated March 28, 2008, in which the Judges found a violation of Rules 9.09(b) and 26.02.01 and 26.02.02 arising from a certificate of positive analysis for the Class I substance AMINOREX in the horse ARDOR IN MOTION arising after the seventh race at Flamboro Downs on October 10, 2007.

On June 17, 2007, a Panel of the Commission consisting of Chair Rod Seiling, Vice-Chair Hon. James Donnelly and Commissioner David Gorman, convened to hear the appeal. Brendan Van Niejenhuis appeared as counsel to the Administration. Brian Greenspan appeared as agent to George Peters.

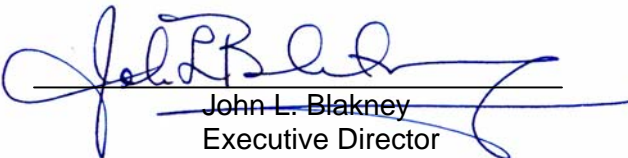
On being advised that the Administration intended to call no evidence on the hearing *de novo*, and on hearing the submissions of counsel for the Administration and for George Peters, and on being advised of the consent of all parties to this Order, the Panel ordered as follows:

1. The appeal with respect to Certificate No. 1605918 from CanTest Limited dated September 26, 2007 is hereby allowed and no finding of responsibility by the appellant is made.
2. Standardbred Ruling SB 36881 dated March 28, 2008, is accordingly set aside, subject to paragraph 3 of this Ruling.
3. That portion of Standardbred Ruling SB 36881 relating to Rule 9.13 and 18.08.01, shall remain in full force and effect, by operation of Rule 9.13 and on consent of all parties.
4. Standardbred Ruling SB 62/2008, dated April 4, 2008 and amended May 15, 2008, whereby Ruling SB 36881 was made subject to a stay, is accordingly hereby set aside.

The Panel gave oral reasons for the Ruling, a copy of which is attached hereto.

DATED this 27<sup>th</sup> day of June 2008.

BY ORDER OF THE COMMISSION

  
John L. Blakney  
Executive Director



COMMISSION HEARING

TORONTO, ONTARIO – JUNE 17, 2008

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

**AND IN THE MATTER OF THE APPEAL OF  
STANDARDBRED LICENSEE GARRY MERNER**

Standardbred licensee, Gerry Merner, appealed Standardbred Ruling SB 36878 dated March 31, 2008, in which the Judges found a violation of Rules 9.09(b) and 26.02.01 and 26.02.02 arising from a certificate of positive analysis for the Class I substance AMINOREX in the horse BLUERIDGE MAPLE arising after the second race at Flamboro Downs on October 24, 2007.

On June 17, 2007, a Panel of the Commission consisting of Chair Rod Seiling, Vice-Chair Hon. James Donnelly and Commissioner David Gorman, convened to hear the appeal. Brendan Van Nijejenhuis appeared as counsel to the Administration. Brian Greenspan appeared as agent to Gerry Merner.

On being advised that the Administration intended to call no evidence on the hearing *de novo*, and on hearing the submissions of counsel for the Administration and for Gerry Merner, and on being advised of the consent of all parties to this Order, the Panel ordered as follows:

1. The appeal with respect to Certificate No. 1608665 from CanTest Limited dated October 30, 2007, is hereby allowed and no finding of responsibility by the appellant is made.
2. Standardbred Ruling SB 36878 dated March 31, 2008, is accordingly set aside, subject to paragraph 3 of this Ruling.
3. That portion of Standardbred Ruling SB 36878 relating to Rule 9.13 and 18.08.01, shall remain in full force and effect, by operation of Rule 9.13 and on consent of all parties.
4. Standardbred Ruling SB 61/2008, dated April 4, 2008 and amended May 15, 2008, whereby Ruling SB 36878 was made subject to a stay, is accordingly hereby set aside.

The Panel gave oral reasons for the Ruling, a copy of which is attached hereto.

DATED this 27<sup>th</sup> day of June 2008.

BY ORDER OF THE COMMISSION

  
John L. Blakney  
Executive Director



COMMISSION HEARING

TORONTO, ONTARIO – JUNE 17, 2008

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

**AND IN THE MATTER OF THE APPEAL OF  
STANDARDBRED LICENSEE KEN DUNCAN**

Standardbred licensee, Ken Duncan, appealed Standardbred Ruling SB 36882 dated March 31, 2008, in which the Judges found a violation of Rules 9.09(b) and 26.02.01 and 26.02.02 arising from a certificate of positive analysis for the Class I substance, AMINOREX, in the horse JOHN BALL JONES arising after the seventh race at Flamboro Downs on February 28, 2007.

On June 17, 2007, a Panel of the Commission consisting of Chair Rod Seiling, Vice-Chair Hon. James Donnelly and Commissioner David Gorman, convened to hear the appeal. Brendan Van Niejenhuis appeared as counsel to the Administration. Brian Greenspan appeared as agent to Ken Duncan.

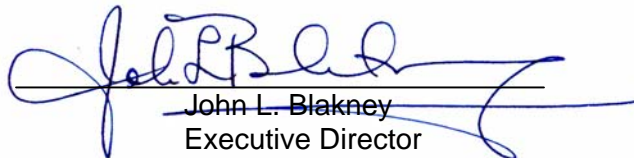
On being advised that the Administration intended to call no evidence on the hearing *de novo*, and on hearing the submissions of counsel for the Administration and for Ken Duncan, and on being advised of the consent of all parties to this Order, the Panel ordered as follows:

1. The appeal with respect to Certificate No. 1611688 from CanTest Limited dated March 8, 2007, is hereby allowed, and no finding of responsibility by the appellant is made.
2. Standardbred Ruling SB 36882 dated March 31, 2008, is accordingly set aside, subject to paragraph 3 of this Ruling.
3. That portion of Standardbred Ruling SB 36882 relating to Rule 9.13 and 18.08.01, shall remain in full force and effect, by operation of Rule 9.13 and on consent of all parties.
4. Standardbred Ruling SB 63/2008, dated April 4, 2008 and amended May 15, 2008, whereby Ruling SB 36882 was made subject to a stay, is accordingly hereby set aside.

The Panel gave oral reasons for the Ruling, a copy of which is attached hereto.

DATED this 27<sup>th</sup> day of June 2008.

BY ORDER OF THE COMMISSION

  
John L. Blakney  
Executive Director

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ONTARIO RACING COMMISSION  
STANDARD BRED HEARING

IN THE MATTER OF THE Racing Commission Act,  
2000, S.O. 2000, c 20

-and-

IN THE MATTER OF: Standardbred Licensee:  
ANETTE LORENTZON

-and-

IN THE MATTER OF: Standardbred Licensee:  
KAREN COOPER

-and-

IN THE MATTER OF: Standardbred Licensee:  
MITCHELL SAHELY

-and-

IN THE MATTER OF: Standardbred Licensee:  
GARRY MERNER

-and-

IN THE MATTER OF: Standardbred Licensee  
GEORGE PETERS

-and-

IN THE MATTER OF: Standardbred Licensee  
KENNETH DUNCAN

-----REASONS-----

BEFORE:	Rod Seiling	Chair
	James Donnelly	Vice-Chair
	David Gorman	Member

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Hearing Conducted in the Hearing Room  
of the Ontario Racing Commission, 10 Carlson Court,  
Toronto, Ontario, M9W 6L2, on the 17th day of  
June 2008.

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APPEARANCES:

Brendan Van Niejenhuis	Counsel for the Administration
D. Larry Todd	Counsel for Anette Lorentzon
Brian Greenspan	Counsel for Karen Cooper, Mitchell Sahely, Garry Merner, George Peters, Kenneth Duncan
Bill Fines	Supervisor, Standardbred Racing



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----- UPON RESUMING:

THE CHAIR: Please be seated. Oral decision: There was no evidence presented to the Panel. Therefore, it is unable to make any determination with respect to the certificates of positive tests for all six appellants.

Mr. Van Niejenhuis provided an explanation to the Panel essentially stating that emerging science was such that the Administration was unable to prove the link between the positive certificates and the requirement of Standardbred Rule 9.09 (b); that being that the drug was administered.

Giving further credence was Mr. Todd's reference to Standardbred Rule 9.02.01, pointing out that had the Hearing proceeded there would have been ample evidence to the contrary.

Therefore, on the basis of common agreement, one: All six appeals are allowed. Two: The order of finish and purse distribution remains as ordered by the Judges and as agreed to by the six appellants and whosoever they represent. That disposition is a function of Standardbred Rule 9.13.

The basis of this decision is that the

1 horses did race with a prohibited substance;  
2 source unknown.

3 The Panel notes that the  
4 Administration, throughout the Aminorex issue,  
5 conducted itself to the highest standards by  
6 ensuring due process for all concerned given its  
7 mandate under the Racing Commission Act in  
8 protecting the public interest and the health of  
9 the horse.

10 As well, the Panel commends the ORC  
11 Judges for exemplary conduct in a most unique  
12 and difficult situation.

13 Regarding the publicity of the whole  
14 issue, at the end of the day, transparency and  
15 responsibility have proven to be the best course  
16 of action in achieving a just and fair result.

17 The form of the Order will be decided  
18 by the Executive Director. Thank you.

19 Questions? I don't think so. We'll have a copy  
20 for you available.

21 MR. VAN NIEJENHUIS: Thank you.

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I hereby certify the foregoing to be  
a true and accurate transcript as taken  
by me to the best of my skill and  
ability.

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Christine Gilmour, B.A.,C.S.R.  
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