



COMMISSION HEARING

TORONTO, ONTARIO – JUNE 20, 2013

NOTICE OF DECISION

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

AND IN THE MATTER OF THE CASSIE NANTAIS APPEAL

Cassie Nantais appealed against the Director's Notice of Proposed Order to Suspend her licence

Date of Hearing: June 20, 2013

ORC Panel Members: Chair Rod Seiling

Counsel for the Administration: Jennifer Friedman

Counsel for the Appellant G. Dewar Lang

The Panel accepted the Agreed Statement of Facts and Joint Submission on Disposition.

A transcript with the Panel's oral Reasons for Decision is attached to this Notice.

DATED at Toronto this day of 24th day of June 2013.

Steven Lehman
Executive Director

ONTARIO RACING COMMISSION

STANDARD BRED HEARING

IN THE MATTER OF THE RACING COMMISSION ACT, 2000,
S.O. C.20 AND THE RULES OF STANDARD BRED RACING:

AND IN THE MATTER OF THE NOTICE OF PROPOSED
ORDER TO SUSPEND THE LICENCE OF **CASSIE L. NANTAIS**

AND IN THE MATTER OF THE APPEAL AND REQUEST FOR
HEARING OF **CASSIE NANTAIS**:

Held Before:

Rod Seiling Chairman

These are an excerpt of the proceedings in the above mentioned matter held before The Ontario Racing Commission, Re: **CASSIE NANTAIS**, taken before Toronto Court Reporters, Suite 1410, 65 Queen Street West, Toronto, Ontario, at 10 Carlson Court, Suite 400, Toronto, Ontario, on the 20th day of June, 2013.

Appearances:

Jennifer Friedman,

for the Ontario Racing
Commission Administration

1 Hearing continued ...

2 MS. FRIEDMAN: With respect to Exhibit number 3 being
3 the agreed statement of fact and joint submission on disposition
4 do you wish to accept this or ask that it be read into the record?

5 MR. CHAIRMAN: Why don't we read it into the hearing
6 because I have not seen it so I'll be able to do one and the same
7 and then it is on the record.

8 MS. FRIEDMAN: Okay.

9
10 **"IN THE MATTER OF THE *RACING COMMISSION ACT, 2000, S.O.***
11 **2000, c. 20**

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13 **AND IN THE MATTER OF THE NOTICE OF PROPOSED ORDER**
14 **TO SUSPEND THE LICENCE OF CASSIE L. NANTAIS**

15 **AND IN THE MATTER OF THE APPEAL AND REQUEST FOR**
16 **HEARING OF CASSIE L. NANTAIS**

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18 **AGREED STATEMENT OF FACTS**

19 Counsel for the Administration of the Ontario Racing Commission ("ORC")
20 and the Licensee, Cassie Nantais ("NANTAIS"), through her legal
21 counsel, agree to the following facts:
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- 23 1. Christopher R. Haskell ("HASKELL") was licensed with the Ontario
24 Racing Commission ("ORC") as a Trainer/Owner (Licence #V23720).
25 HASKELL's licence expired on May 23, 2011.
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- 27 2. NANTAIS was licensed with the ORC as a Groom and Owner
28 (Licence #Y06240). NANTAIS' licence expired on August 1, 2011. At
29 all material times, NANTAIS groomed and owned horses which were
30 trained by HASKELL and, further, HASKELL and NANTAIS were
31 boyfriend and girlfriend.
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- 33 3. Prior to the expiration of the licences of HASKELL and NANTAIS, on
34 December 21, 2010, their licences were the subject of Immediate
35 Suspension Orders of the Director of the ORC.
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4. In or about the spring of 2010, further to information and allegations regarding HASKELL and EPO use, the ORC initiated an investigation. As part of the investigation, search warrants were executed and surveillance was conducted.
 5. On August 17, 2010, surveillance on HASKELL revealed that HASKELL appeared to be injecting two horses in a trailer attached to his pick-up truck and, thereafter, disposed of something in a garbage can. A search of the garbage bin unearthed two used syringes. NANTAIS was sitting in the truck during this incident.
 6. Surveillance was set-up at the ship-in barn at Windsor Raceway and revealed the involvement of NANTAIS on a number of occasions, including:

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a) October 10, 2010:

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Pre-race:

- At 19:40, HASKELL entered stall #53 and gave the horse, "Hesoneinamillion", intra-muscular right side and trachea injections. "Hesoneinamillion" is scheduled to participate in Race 9 with a scheduled post-time of 21:40.
- "Hesoneinamillion" finished 1st in the race.
- NANTAIS is a part owner of "Hesoneinamillion"

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Post-race:

- At 22:04, NANTAIS returned "Hesoneinamillion" to stall #53.
- At 22:16, HASKELL entered stall #53 and injects "Hesoneinamillion" in the right side jugular vein.

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b) October 17, 2010:

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Pre-race:

- At 19:42, HASKELL entered stall #51 and gave intra-muscular and trachea injections to the horse "Hesoneinamillion".
- At 20:37, NANTAIS entered the stall with a warm-up pad.
- "Hesoneinamillion" is scheduled to participate in Race 10 with a scheduled post-time of 22:00.
- "Hesoneinamillion" finished 9th in the race.

Post-race:

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7. On November 7, 2010, Detective Sergeant Steve Schandlen interviewed NANTAIS.
8. On November 7, 2010, Criminal Code search warrants were executed. The search of the residence of HASKELL yielded a notebook comprised of 69 notations pertaining to administering Aranesp for the period January 2007 – August 2008.
9. Five of the horses that were owned in whole or in part by NANTAIS were the subject of Aranesp use as follows:

| Horse | Owner | Trainer | Date of Aranesp Use |
|----------------------|---------|---------|---|
| BJ's BOOMERANG | NANTAIS | HASKELL | July 22, 2007 |
| TRIPLE RV COPIOUS | NANTAIS | HASKELL | October 6, 2007 October 14, 2007 October 21, 2007 December 20, 2007 January 10, 2008 January 20, 2008 January 27, 2008 February 3, 2008 February 14, 2008 |
| A THIEF IN THE NIGHT | NANTAIS | HASKELL | March 2, 2008 |
| ADRIATIC | NANTAIS | HASKELL | July 16, 2008 July 26, 2008 August 21, 2008 |
| ST LADS MAGNUM | NANTAIS | HASKELL | May 29, 2008 |

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10. On November 29, 2011, ORC Investigator Steve Rushton interviewed NANTAIS. During the course of her interview, NANTAIS indicated, among other things, the following:
- She would employ the services of a veterinarian to treat any medical problems with horses at the track;
 - She paid a fine for HASKELL in July/2010;
 - HASKELL is her boyfriend, he trains her horses, and she works for him as a groom;
 - HASKELL compensates her for her grooming services by training her horses but no money exchanges hands;
 - She and HASKELL did not have a written owner-trainer agreement;

- 1 f) She had no knowledge of what HASKELL was injecting in the
2 horses;
3 g) She had no knowledge of how HASKELL got the syringes into
4 the backstretch;
5 h) She had no knowledge of where HASKELL got the
6 medications;
7 i) Having syringes in the backstretch and injecting horses is an
8 infraction of the Rules;
9 j) She was not aware that HASKELL was injecting her horses
10 with Aranesp;
11 k) She never received bills for Aranesp;
12 l) She did not know where HASKELL got the Aranesp;
13 m) She did not discuss with HASKELL whether he had
14 permission to inject her horses with Aranesp;
15 n) She did not discuss with HASKELL whether he had
16 permission to perform pre- or post- race injections.
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19 11. On May 23, 2012, the Director issued a Notice of Proposed Order to
20 Suspend NANTAIS' licence as a Groom and Owner for a period of
21 two years ("NOP").
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23 12. NANTAIS appealed the NOP.
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25 13. On October 4, 2012, a Notice of Hearing was issued to advise the
26 parties that a Panel would be convening for the Hearing on
27 November 6, 2012.
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29 14. On October 19, 2012, counsel on behalf of NANTAIS requested an
30 adjournment because his client would be out of the country and
31 unable to attend the Hearing.
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33 15. On January 28, 2013, a Notice of Hearing was issued to advise the
34 parties that a Panel would be convening for the Hearing on March 27,
35 2012.
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37 16. On March 5, 2013, a Notice of Hearing was issued to advise the
38 parties that a Panel would be convening for the Hearing on May 27,
39 2012.
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42 **JOINT SUBMISSION ON DISPOSITION**

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44 Whereas NANTAIS was immediately suspended on December 21, 2010
45 and remains suspended;

1 And Whereas NANTAIS participated in conduct contrary to the *Racing*
2 *Commission Act* (the “Act”) and the Rules of Standardbred Racing,
3 including:

- 4 i) Provided misleading statements to an ORC Investigator;
5 ii) Possessed knowledge that HASKELL was engaging in prohibited
6 activities on and off the grounds of a racing association in relation
7 to racehorses;
8 iii) Notwithstanding her knowledge regarding HASKELL, she
9 permitted HASKELL to inject her horses with Clenbuterol and
10 Epinephrine.

11 Counsel for the Administration of the ORC, and NANTAIS, who has been
12 advised by her legal counsel, submit that the following disposition is
13 appropriate in these circumstances:

- 14 1. NANTAIS is suspended for a period of twenty-nine months, less time
15 served (December 21, 2010 to present). Her suspension shall
16 conclude on May 23, 2013, at which time she may submit an
17 Application for a new ORC licence, pursuant to section 17 of the Act.
18 2. NANTAIS may be licensed as a Groom for a period of two years on
19 the following conditions:
20 a) Due diligence report satisfactory to the Deputy Director;
21 b) NANTAIS shall not act as a self-employed Groom;

- 1 c) NANTAIS shall obtain approval from the ORC in connection
2 with her prospective employment as a Groom;
3 d) Should any of NANTAIS' horses have a positive test or be
4 involved with a medication violation, these infractions may be
5 considered in relation to subsequent licence applications;
6 e) NANTAIS shall keep the peace and be of good behaviour.”

7 This document was signed by Ms. Nantais, Mr. Laing on behalf of
8 Ms. Nantais and myself as counsel for the Administration of the
9 ORC on May 22nd, 2013.

10 MR. CHAIRMAN: So I will accept the agreed statement of
11 facts and joint submission and it is so ordered.

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CERTIFIED CORRECT

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