



COMMISSION HEARING

TORONTO, ONTARIO – NOVEMBER 10, 2009

**IN THE MATTER OF THE RACING COMMISSION ACT S.O. 2000, c.20;
AND IN THE MATTER IN THE APPEAL AND REQUEST FOR HEARING OF
STANDBRED LICENSEE ANGIE MATTHEWS**

Angie Matthews, ("Matthews") is licensed by the Ontario Racing Commission as a Standardbred driver/trainer/owner, Licence Number K05357.

Matthews was the owner of standardbred racehorse JR Falcons Fury which last raced at Flamboro Downs on November 20, 2008.

This horse died on January 19, 2009, at Grand Valley, Ontario.

On July 20, 2009, a hearing was held by the track Judges at Grand River Raceway. Matthews was found to be in violation of Standardbred Rule 6.47.02 (a) and (b), failure to notify of death of horse.

The Judges considered the following mitigating factors:

- No previous discipline for any offence of this nature. Record shows driving violations only.
- No intent to commit the violation.
- Violation occurred while under duress.
- Cooperated fully with investigator.
- Did make admission to error.
- No financial gain.
- No effect upon outcome of a purse or a race.

The Judges imposed a penalty of \$500.

Matthews appealed against this decision.

Matthews was represented by Darryl R. MacArthur, ("McArthur") of the Ontario Harness Horse Association.

The Administration was represented by Anthony Williams, counsel. This matter was the subject of settlement discussions and a resolution agreement in advance of the hearing of the appeal.

In view of the tragic circumstances surrounding the death of the horse, the fact that Matthews did report the death, albeit not in conformance with the rules, her relatively modest level of industry involvement and her financial situation, the resolution agreement was as follows:

- (i) appeal restricted to penalty only
- (ii) fine of \$500 is upheld
- (iii) \$300 of the fine to be subject to a stay

On November 10, 2009, the matter was heard before a Panel of the ORC, consisting of Chair Rod Seiling.



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By prior agreement, neither Matthews nor MacArthur was in attendance.

Anthony Williams appeared as counsel for the Administration.

Upon reading the exhibits filed and upon reviewing the joint submission as to penalty, the order of the Panel was as follows:

- Penalty of \$500 upheld.
- \$300 of the \$500 subject to a stay for a period of one year.

The transcript with the Panel's Oral Decision is attached to this Ruling.

TDATED this 16th day of November 2009.

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 ANGIE MATTHEWS,
OWNER/DRIVER/TRAINER FOR STANDARD BRED RACE HORSES

Held Before:

Rod Seiling, Chairman

These are an excerpt of the proceedings in the above mentioned matter held before The Ontario Racing Commission, Re: **ANGIE MATTHEWS**, taken before Toronto Court Reporters, Suite 1410, 65 Queen Street West, Toronto, Ontario, at 10 Carlson Court, Suite 400, Toronto, Ontario, on the 10th day of November 2009.

Appearances:

Anthony Williams,

for the Ontario Racing
Commission Administration

1 Hearing continued ...

2 MR. CHAIRMAN: Having considered the
3 recommendation from the Administration I will accept that. The
4 only question I have for you which doesn't seem to be answered in
5 your material is you are recommending to stay \$300.00. How long
6 should that stay be in place because at some point there has got
7 to be a definitive time.

8 MR. WILLIAMS: You are correct. I would suggest
9 one year, sir.

10 MR. CHAIRMAN: So ruled. So the agreement is
11 ratified subject to the variance of the stay will remain in place for
12 one year from the date of this ruling.

13 MR. WILLIAMS: Thanks very much.

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

Commissioner of Oaths