

**Ontario  
Racing  
Commission**

**Commission  
des courses  
de l'Ontario**



Suite 400  
10 Carlson Court  
Toronto ON M9W 6L2  
Tel (416) 213-0520  
Fax (416) 213-7827

Bureau 400  
10 Carlson Court  
Toronto ON M9W 6L2  
Tél (416) 213-0520  
Télééc (416) 213-7827

December 22, 2009

## **THOROUGHBRED DIRECTIVE NUMBER 5 – 2009 RULES OF THOROUGHBRED RACING 2009**

*The Ontario Racing Commission at its meeting of Friday, December 18, 2009 resolved that the Rules of Thoroughbred Racing 2009 and the Rules of Procedure be amended by the promulgation of the following Rules, effective January 1, 2010.*

**Rule 13.17** An appeal is a request to review any decisions or rulings of the Stewards or delegated officials. An appeal may deal with placings, penalties, interpretation of the rules, or other questions dealing with the conduct of racing. Appeals shall lie to:

- (a) The Commission, comprised of one panel member or more, as designated by the Chair, if the decision imposes a fine of more than \$1000 or a suspension of 30 days or more;
- (b) The Commission, comprised of one panel member or more, as designated by the Chair, if the decision imposes a fine of \$1000 or less or a suspension of less than 30 days.

**Rule 13.17.01 Delete**

**Rule 13.17.02** An appeal lodged in accordance with Rule 13.17 must be based upon specific grounds which would warrant modification or reversal of the decision. The Commission may uphold, rescind, modify or increase any penalty imposed. After due notice, any appellant who fails to appear at the hearing of his/her appeal without good cause may be fined or suspended.

**Rule 13.17.06 Delete**

**Rule 13.17.07** A ruling of the Commission which affects the distribution of purse money or order of finish of a race after the race had been declared official shall have no bearing on the distribution of pari-mutuel pools.

**Rule 13.17.08 Delete**

**Rule 13.17.09** At the conclusion of an appeal to the Commission, the Commission may uphold, rescind, modify, or increase the penalty imposed by the Stewards or delegated official. In addition, after holding the hearing, the Commission may order a penalty against the person requesting the hearing in an amount prescribed by the Regulations in addition to any other penalty for which the person may be liable.

**Rule 15.09.01** Any act or omission related to Thoroughbred horse racing in any or all of its form, which, when measured against generally accepted standards of good conduct would be regarded as dishonest, unfair or unsportsmanlike or contrary to the public interest financially or otherwise, shall be deemed to be an illegal practice under these Rules and shall be dealt with accordingly at the discretion of the Stewards. The ruling and subsequent publication regarding penalty shall include the specific part of the Rules which the licensee violated. In determining whether any act or omission offends this Rule, regards may be had to any Code of Ethical and Professional Business Conduct that may have been adopted by a horsemen's association.

The following subparagraphs of this Rule provide particulars of conduct contemplated by this Rule but are not meant to be exhaustive.

- (f) A trainer shall maintain records relating to the particulars of any medications administered to horses in their care. For the purposes of this Rule, the term medication shall mean a medication that could result in a positive test. All documentary evidence provided under this Rule shall be kept confidential by the Commission. At any hearing before the Stewards or the Commission, all such documents shall remain confidential unless otherwise ordered.

**ORC Rules of Procedure**

**Rule 4.7.1** The requirements set out in Rule 4.7 shall not apply when an appeal is filed pursuant to Standardbred Rule 24.01(b) or Thoroughbred Rule 13.17(b).

- Rule 4.8**
- (1) The parties shall each submit a Book of Documents not less than five days prior to the Hearing to include all documents to be provided to the Hearing Panel in advance of the hearing.
  - (2) A Book of Documents shall not be required from a party who is self represented, however, the Administration will prepare its Book of Documents and provide a copy to the Appellant.
  - (3) The Book of Documents prepared by the Administration should include:
    - (a) Notice of Appeal;
    - (b) Notice of Hearing;
    - (c) The decision under appeal;
    - (d) Evidentiary exhibits;
    - (e) Other additional relevant material.
  - (4) The Book of Documents prepared by the Appellant should include:
    - (a) Evidentiary exhibits;
    - (b) Other additional relevant material.

Rule 4.8.1                    The requirements set out in Rule 4.8 shall not apply when an appeal is filed pursuant to Standardbred Rule 24.01(b) or Thoroughbred Rule 13.17(b).

**Implementation**

All appeals filed in accordance with Standardbred Rule 24.01(b) and Thoroughbred Rule 13.17(b) prior to amendments which have not been adjudicated shall be deemed as appeals filed under the Standardbred Rule 24.01(b) and Thoroughbred Rule 13.17(b) as amended.

**BY ORDER OF THE COMMISSION**



Rob McKinney  
Acting Executive Director