

Alcohol and Gaming
Commission of Ontario

Commission des alcools
et des jeux de l'Ontario

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agco.ca

Ruling Number SB ADMIN 08/2020

TORONTO, ONTARIO – February 21, 2020

**IN THE MATTER OF THE HORSE RACING LICENCE ACT, 2015;
S.O. 2015, c.38, Sched. 9;
AND IN THE MATTER OF DAN CLEMENTS, LICENCE NO. K41562**

On October 3, 2019, the Alcohol and Gaming Commission of Ontario "AGCO" was advised of a positive reading for the Class 2 drug Theophylline and Caffeine, for the urine sample with Test Tag 53 19259003. The sample was obtained from the Standardbred Horse "PL NELLY" (freeze brand #0RN86), which finished first (1st), in the second race (2nd) race, on September 16, 2019, at Mohawk Raceway. PL NELLY is trained by Dan Clements (Licence #K41562) "CLEMENTS".

TAKE NOTICE that based on the above CLEMENTS is found to have violated 9.09 (b), 26.02.01, 26.02.02 and 26.02.03(c) of the Rules of Standardbred Racing. Accordingly, in accordance with 6.04, 9.08.02 of the Rules of Standardbred Racing and Policy Directive 1-2018, CLEMENTS is hereby fully suspended for a period of sixty (60) days, (February 21, 2020 to April 20, 2020, inclusive).

TAKE NOTICE that sixty (60) days will be stayed.

AND TAKE NOTICE that there will be a withdrawal of the stayed penalties and referral to the Director upon any further violations of Rules 9.09(a), 9.09(b), 22.38(a), 22.38(b) 26.02.01, 26.02.02, 26.02.03(c) and 26.02.03(d) of the Rules of Standardbred Racing during the probation period.

The suspension of CLEMENTS is effective for horses racing in the Province of Ontario. During the suspension, CLEMENTS is denied access to Association grounds with the exception of grandstand privileges. During this suspension, any horses owned in whole or in part by CLEMENTS, are ineligible to race. Sales or transfers must be met with the Judges' approval. Horses trained by CLEMENTS will be transferred to another trainer in good standing and in accordance with Policy Directive No. 2-2008.

In accordance with 18.08.03 of the Rules of Standardbred Racing, PL NELLY is hereby declared disqualified for all purposes with the exception of Pari-Mutuel Wagering. The revised order of finish for Race 2 at Mohawk Raceway on September 16, 2019 is as follows:

1 st	#1	Southwind Maritime
2 nd	#3	Mia Culpa
3 rd	#7	Isla Seelster
4 th	#6	Regil Electron
5 th	#9	Final Decision
6 th	#2	Look N Fabulous
7 th	#8	Beach Boutique
8 th	#4	Ms Machingbird
	#5	PL NELLY - disqualified

The following terms are added to CLEMENTS's license: one year of probation (February 21, 2020 to February 20, 2021, inclusive) pursuant to 6.04 of the Rules of Standardbred Racing and Policy Directive No. 3-2008:

1. The Licensee shall keep the peace and be of good behaviour;
2. The Licensee shall allow Commission Inspectors access to his stabling area at any time to conduct unannounced random searches for illegal or non-therapeutic medications or drugs;
3. The Licensee shall allow commission inspectors to seize any illegal or non-therapeutic medications or drugs found at his stabling area;
4. The Licensee shall be subjected to the AGCO's Out of Competition Program; and
5. The Licensee may be subject to a Notice of Proposed Order in addition to any penalty imposed by the AGCO Racing Officials for any breach of the terms of their license.

BY ORDER OF



Brent Stone
(Acting) Deputy Registrar and
Deputy Chief Operating Officer