

**Alcohol and Gaming
Commission of Ontario**

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**IN THE MATTER OF THE *RACING COMMISSION ACT, 2000, S.O. 2000, C.20*
AND IN THE MATTER OF THE *HORSE RACING LICENCE ACT, 2015,*
*S.O. 2015, C.38, SCHED. 9***

**AND IN THE MATTER OF STANDARDBRED RULING 47907
ISSUED DECEMBER 21, 2015 IN RESPECT OF
GERARD DEMERS
LICENSED AS AN OWNER, TRAINER
LICENCE NO. W17829**

ORDER

WHEREAS a Certificate of Positive Analysis was issued by the Canadian Pari-Mutuel Agency's (CPMA) test laboratory for the Class 2 drug Oxilofrine from the sample, tag no. 4515158002, taken from the horse Pondo Ruba (Tatoo No. OFM36) following Pondo Ruba racing in the 1st race at Rideau Carleton Raceway on June 7, 2015;

AND WHEREAS on June 18, 2015 the judges issued Ruling Number SB46703 suspending Pondo Ruba for 90 clear days;

AND WHEREAS the Executive Director stayed Ruling Number SB46703 on June 26, 2015;

AND WHEREAS the CPMA subsequently advised the then Ontario Racing Commission staff that there is strong scientific evidence that this positive test is consistent with an ephedrine administration that followed the CPMA elimination guidelines as set out in the CPMA Schedule of Drugs;

AND WHEREAS an investigation into the circumstances giving rise to this Certificate of Positive Analysis revealed that an antihistamine containing ephedrine was administered to Pondo Ruba in accordance with the CPMA elimination guidelines prior to the 1st race at Rideau Carleton Raceway on June 7, 2015;

AND WHEREAS a hearing was held on December 7, 2015 before the judges of Rideau Carleton Raceway;

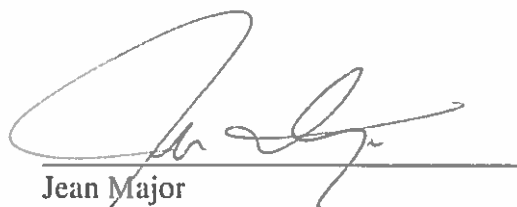
AND WHEREAS a decision of the Judges was issued on December 21, 2015, whereby Gerard Demers was relieved of responsibility for the results set out on the Certificate of Positive Analysis, but ordered to return the purse money and driver/trainer fees won in the 1st race at Rideau Carleton Raceway on June 7, 2015;

NOW THEREFORE the Registrar of Alcohol, Gaming and Racing pursuant to the authority granted to him under Rule 1.09 and Rule 6.16 of the Rules of Standardbred Racing 2016 hereby waives compliance with Standardbred Rule 9.13 and 18.08.01 in this particular circumstance and as a result modifies the decision issued by the Judges on December 21, 2015, such that the purse money and driver/trainer fees earned by Gerard Demers as a result of the placement of Pondo Ruba in the 1st race at Rideau Carleton Raceway on June 7, 2015 shall not be ordered returned and shall not be redistributed.

FURTHERMORE, the Registrar declares the following to be the official placing for all horses that raced in the 1st race at Rideau Carleton Raceway on June 7, 2015:

First	Tender N Kind
Second	Pondo Ruba and Double Heart (dead heat)
Fourth	Bridget Mary
Fifth	Bee Sparky
Sixth	Shipp to Shore

Dated this 6th day of October, 2016.



Jean Major
Registrar