

# Race Line

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SHESASTREAKIN CHICK | Photo by: Laurie Overton

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*Race Line* is the Alcohol and Gaming Commission of Ontario (AGCO)'s publication for Ontario's horse racing industry. Printed copies are available at open racetracks and industry associations; all issues may be viewed online in both official languages at [www.agco.ca](http://www.agco.ca).

We welcome your ideas and input. If there are topics you would like to see addressed in future publications, or if you wish to subscribe to *Race Line* to receive it and other AGCO horse racing-related communications electronically, please email [connect@agco.ca](mailto:connect@agco.ca) or call 416-326-3614.

## Greetings from the AGCO Chair



Grace Kerr

I am very pleased to be writing to you as this new season of racing begins.

I would firstly like to introduce my Board colleagues to you: Elmer Buchanan, Jane Holmes, Linda Nagel and Anthony (Tony) Williams.

Many of you will be familiar with Elmer from his roles as a consultant for the Ontario Horse Racing Industry Transition

Panel and as Chair of the Ontario Racing Commission (ORC) before its merger with the AGCO. In addition, Elmer has a long-standing background of working with, as well as in the agricultural industries. Elmer is appointed to the Board for a 3-year term, ending in July 2020.

Jane also has strong affiliations with the horse racing industry, through her previous responsibilities as Executive Director of OHRIA and as V-P Corporate Affairs at the Woodbine Entertainment Group. As well, she is an experienced business and public affairs consultant with both the public and private sectors in the horse racing, gaming and liquor industries. Jane's appointment is for a 2-year term, ending in January 2019.

Linda has developed a love of all things equine since joining the Board in December 2016 for a 2-year term. Linda brings an understanding of regulated industries to the Board through her background as President and CEO of Advertising Standards Canada in addition to her work in both Canada and the USA with trade and healthcare organizations.

Tony will be well known to many in the horse racing industry, as well, through his work as (part-time) Senior Litigation Counsel, and later, as Vice-Chair of the ORC (pre-merger). Additionally, Tony is a former Crown Counsel with the Ministry of the Attorney General. Tony's appointment is for a 3-year term, ending in July 2020.

I'm honoured to have such fine Board colleagues and to be the Board's Chair. I was appointed Chair in late May of last year, having first become an AGCO Board member in 2007 and serving as its Vice-Chair from 2013-2017. Also, I was appointed to the ORC and sat as a Commissioner from July 2015 until the ORC's merger with the AGCO on April 1, 2016.

Over the years, I have had the opportunity to be involved in a wide range of major business and operational changes in the AGCO. These changes include modernizing many of the province's liquor laws, updating gaming regulations, licensing lottery ticket sellers, and more recently, assuming the responsibility for the licensing and regulation of the horse racing industry.

As Chair of the AGCO, I look forward to working closely with the Board of Directors, the Executive Committee and the staff of the AGCO to continue the modernization of our registration and regulatory responsibilities, which includes its racing reform project. Of course, as we work to achieve our goals, we will maintain a clear focus on providing a high level of service and assistance to the Ontario public, our stakeholders and clients.

On behalf of the AGCO's Board of Directors, I wish everyone a safe and successful 2018 season!



S. Grace Kerr, Chair

# New Process for Positive Tests

Effective April 21, 2018, a new process is in place for responding to instances of positive equine drug and TCO<sub>2</sub> tests. Detailed information on the new process, including updated Penalty Guidelines, may be found on the AGCO's new Equine Drug Program webpage at [www.agco.ca/horse-racing/equine-drug-program](http://www.agco.ca/horse-racing/equine-drug-program).

After the AGCO receives a Certificate of Positive Analysis or a TCO<sub>2</sub> positive, the case will be dealt with in one of two ways:

## STREAM 1:

**For Class I, II and TCO<sub>2</sub> positives as well as subsequent violations of any class**

- A Senior Race Official will advise the licensee(s) of the positive test, indicate that an inspection has been commenced and provide information about the disclosure process. The Official will then determine if action towards the horse and/or if intermediate action towards the trainer and/or owner is necessary.
- Details of the positive test and any action(s) taken towards the horse and/or licensee(s) will be included in the Official Race Report and may be posted on the AGCO's website.
- Licensees will have 15 days to submit relevant information to the AGCO Case Coordinator at Head Office. The Case Coordinator will work with licensees to help them submit any information they may wish to provide regarding the positive finding.
- The AGCO's Chief Operating Officer or member of the Commission Administration ("Decision-Maker") reviews all information, including information submitted by the licensee(s) as well as inspection information, and issues a ruling. Legal Services will communicate the ruling to the Licensee.
- The Decision-Maker may offer a settlement. If this occurs, licensees will have 15 days to respond to the settlement offer, after which time the AGCO will issue its final ruling.
- To accept a settlement offer, the licensee must sign and return the offer to the AGCO, which will include a statement by the licensee(s) that they admit the violation, accept the penalty, waive their right to appeal to the Horse Racing Appeal Panel (HRAP) and acknowledge that they have had an opportunity to seek independent legal advice. Requests for an extension to respond to the offer may be made to the Case Coordinator.

## STREAM 2:

**For first violations of Class III, IV and V positives**

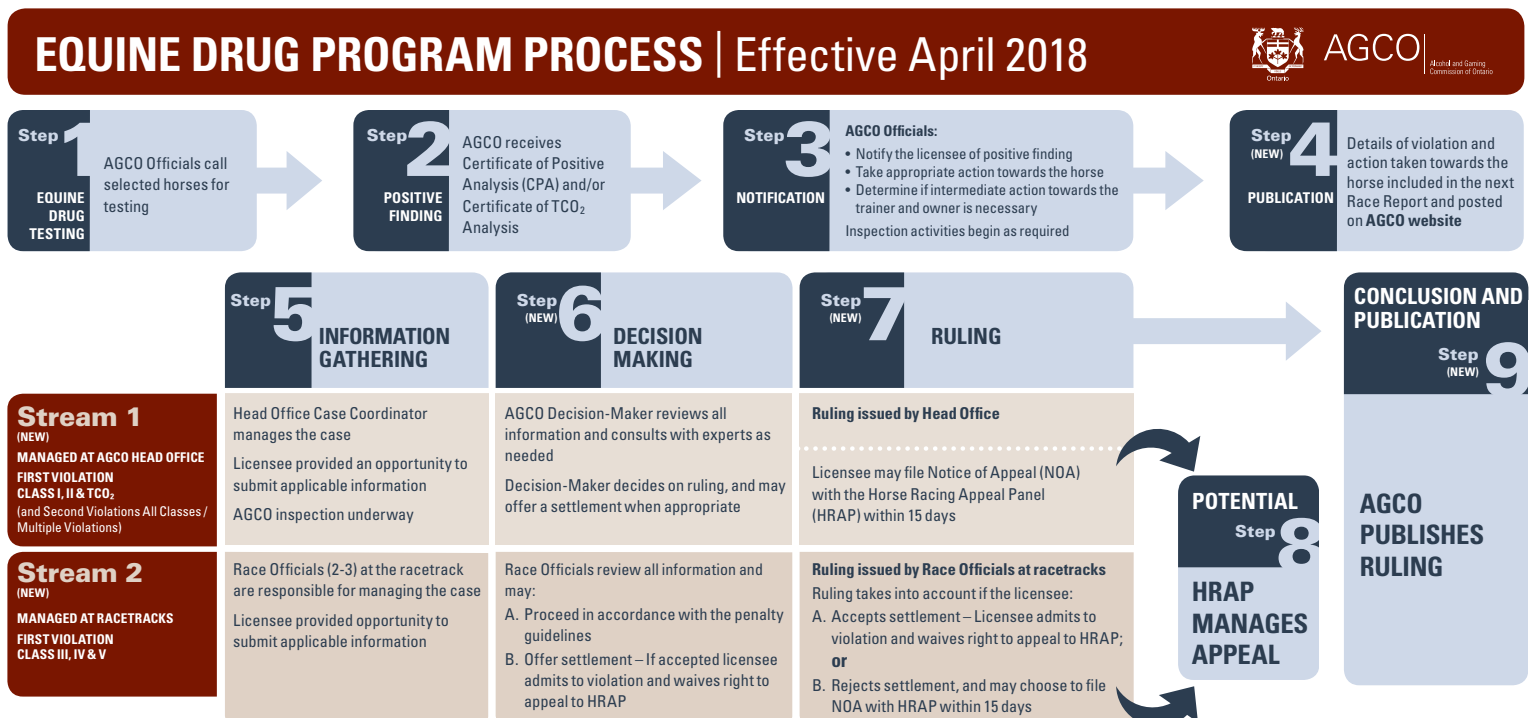
- A Senior Race Official will notify the licensee(s) of the positive test and name the Senior Race Official leading the case. The Official will then determine if action towards the horse and/or if intermediate action towards the trainer and/or owner is necessary.
- Details of the positive test and any action(s) taken towards the horse and/or licensee(s) will be included in the Official Race Report and may be posted on the AGCO's website.
- The licensee may submit information verbally (in person or via telephone) or in writing to the appointed Senior Race Official, within 7 days of the notification. Requests for an extension to submit applicable information may be made to the Senior Race Official.
- Rulings on positive findings in this Stream will be made by a panel of decision-makers, comprised of the Senior Race Official and 1 or 2 Race Officials, who will review all related information.
- The panel may offer a settlement. Licensees may accept or decline the offer to settle at the time it is offered or request time to consider the offer. The licensee will have 7 days to accept or decline the offer to settle. If no response is received within the 7 days, the offer will be presumed to be rejected.
- To accept a settlement, the licensee must sign and return the settlement offer to the Senior Race Official, which will include a statement by the licensee(s) that they admit to the violation, accept the penalty, waive their right to appeal to the Horse Racing Appeal Panel (HRAP) and acknowledge that they have had an opportunity to seek independent legal advice. Requests for an extension to respond to the settlement offer may be made to the panel.
- If a settlement is not accepted, or a settlement is not offered, the AGCO will issue a ruling pursuant to the Penalty Guidelines.
- Licensees may proceed with obtaining a residue sample, however the AGCO may proceed with issuing a ruling without the results of the sample.

## APPEALS / STAYS

Appeals must be filed within 15 days of the issuance of the ruling by the AGCO, as per the HRAP Rules of Procedure. HRAP has full jurisdiction over the appeal process.

## CONCLUSION AND PUBLICATION

Once the AGCO has issued a ruling, the AGCO will post the ruling on the Equine Drug Program page on the AGCO website. In instances of appeal and/or when rulings are overturned or amended by HRAP, the AGCO will update the status of the ruling on the website.



# New Equine Drug Program Webpage Launched

The AGCO has launched a new webpage containing information on the Equine Drug Program, which is found at this link: [www.agco.ca/horse-racing/equine-drug-program](http://www.agco.ca/horse-racing/equine-drug-program).

This page gathers in one place, all of the important information related to the AGCO’s Equine Drug Program, including:

- Explanation of the new process for positive tests
- Downloadable copy of the visual process map
- Related News and Information Bulletins
- Links to Directives, the *Rules of Racing* and related industry partners.

Later this spring, the AGCO will also post to this page any positive test results (Classes I-V and TCO<sub>2</sub>) and the resulting rulings.

## What to Expect During an Inspection

If you are involved in the business of horse racing in the province of Ontario, you may be subject to an inspection. Inspection authority is granted to AGCO employees specifically designated as Inspectors by the Registrar under the *Horse Racing Licence Act, 2015*. The primary purpose of all inspections is to determine compliance with the *Act*, the regulations and the *Rules of Racing*.

There are a number of reasons why an inspection may be initiated. For example, changes to a horse’s performance or a positive test might trigger an inspection.

Whatever the reason, the person being inspected is required to facilitate the inspection. This could include allowing access to areas, presenting horses for biological sample collection, or providing a statement. Failing to facilitate an inspection is a violation of the *Act* and may result in regulatory action being taken.

Inspections may be unannounced and may take place during any reasonable time. When Inspectors arrive they will introduce themselves, present identification, and inform you of the purpose for the inspection. The amount of time an inspection takes is dependent on many factors, but most inspections take under one hour to complete.

Some examples of inspection activities would be:

- Vehicle/trailer inspections on or off the racetrack
- Out of Competition Testing
- Stabling area inspections

If there is anything found during the inspection that is not in compliance with the *Rules* or the *Act*, there may be some follow-up. For example, the Inspector may request documents that are related to the inspection or ask you to provide an audio recorded statement. If any items are removed for review, examination, testing or copying, you will be issued a written receipt form acknowledging that the items have been removed. All of this will be explained in detail by your Inspector.

Although being the focus of an inspection may be stressful, it is a critical part of ensuring integrity in Ontario horse racing. By cooperating with the Inspector you may find the inspection takes less time and is less of an intrusion on your daily activities.



## Moving Ahead: Survey Results

Over 130 people responded to the recent ‘Moving Ahead’ industry survey, with the majority of the respondents (80%) being industry participants, horseplayers and fans.

The AGCO will be reviewing all of the survey responses with an eye to addressing concerns raised and implement suggestions.

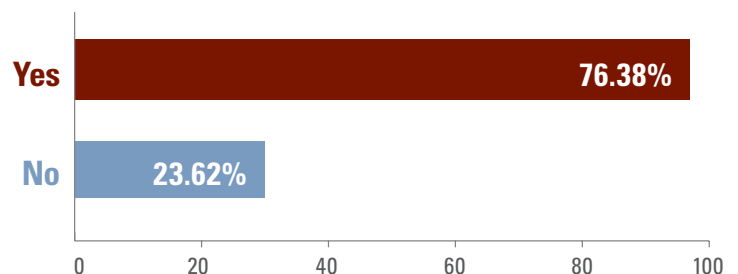
### Focus on: Race Reports

**“These reports are a positive step towards increasing the transparency and advancing the integrity of the [racing] product.”**

Over 75% of all respondents were aware that the AGCO’s Race Reports for selected tracks are available on the Standardbred Canada website. Of those people, the majority (over 70%) viewed them regularly or occasionally.

Eighty-eight people had suggestions for what they would like to see included in these reports and the AGCO will be reviewing all of their suggestions and comments.

As part of the AGCO’s commitment to increased transparency, starting on April 21, Race Reports will be available for all tracks and, for Premier and Signature tracks, embedded video will gradually be incorporated into these Reports.



The AGCO is committed to enhancing the fairness, integrity and safety of horse racing in Ontario, while at the same time enhancing public confidence, reducing administrative burdens, and modernizing horse racing regulation.

# Moving Ahead: What's Next for the Racing Reform Project?

Phase 2 of the AGCO's multi-year racing reform project will commence shortly. Upcoming initiatives include:

- Development of a standards-based Concussion Protocol for racetracks
- A comprehensive review of the Rules of Racing

- Establishment of a *Rules of Racing* Advisory Committee
- Creation of an online Rule book
- Development of a new process for submitting Rule changes to the AGCO.

As always, the AGCO will undertake these initiatives in collaboration and consultation with industry stakeholders.

## Getting to Know: AGCO's Horse Racing Staff | April 2018

The AGCO is responsible for regulating the horse racing industry in Ontario. This includes overseeing the licensing of over 18,000 industry participants, associations and racetracks, the adjudication of races, TCO<sub>2</sub> testing, racing-related investigations and stakeholder communication. As of April 2018, the following are the AGCO's horse racing staff complement:

### HEAD OFFICE STAFF

Brent Stone	Director, Racing Operations
Jeff Longhurst	Director, Licensing and Registration
Mike Wilson	Manager, Racing Operations
Tom Miller	Manager, Racing Operations (Acting)
Darla Wright	Administrative Assistant, Racing Operations
Dr. Adam Chambers	Senior Manager, Veterinary Services
Dr. Pamela Chesterfield	Manager, Veterinary Services *on leave
Dr. Bruce Duncan	Manager, Veterinary Services (Acting)
Tanya Cadeau	Manager, Horse Racing Eligibility (Licensing)
Jessica Harvie	Licensing Coordinator, Horse Racing
Russ Fernandes	Manager, Regulatory Compliance, Racing Investigations
Scott Berry	Positive Test Case Coordinator



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### FIELD STAFF

The AGCO also employs a number of full and part-time field staff, including:  
27 Racing Officials, 7 Investigators, 11 Licensing Agents (located at Ontario racetracks)

### RACING REFORM PROJECT

Elizabeth Yeigh	Director, Strategic Engagement	Tanya Cadeau	Manager, Horse Racing Eligibility
Brent McCurdy	Director, Strategic Policy and Planning	Matthew Joubarne	Senior Policy Advisor
Brent Stone	Director, Racing Operations	Jennifer Iveson	Senior Advisor, Strategic Engagement
Mike Wilson	Manager, Racing Operations (TB)	Lisa Hocking	Communications Advisor /Acting Mgr. Digital
Tom Miller	Acting Manager, Racing Operations (SB)	Haafiz Alibhai	Policy Advisor
Dr. Adam Chambers	Senior Manager, Veterinary Services	Bryna Kaplan	Legal Services
Dr. Pamela Chesterfield	Manager, Veterinary Services *on leave	Susan Majerovich	Legal Services
Russ Fernandes	Manager, Regulatory Compliance, Racing Investigations	Angela Holland	Legal Services

**"Education is the foundation upon which we build our future."** ~ Christine Gregoire

#### Woodbine/HBPA 4-Week Groom Training Program May 14 – June 8

"Groom Elite 101"

Features in-class & hands-on training.  
Information: [weg.bz/2BYV2KZ](http://weg.bz/2BYV2KZ)

#### Equine Guelph Summer Courses May 7 – July 29

Management of the Equine Environment  
Equine Health & Disease Prevention  
Equine Functional Anatomy  
Equine Genetics  
Equine Behaviour  
Equine Welfare  
Equine Business Finance & Risk Management

## Race Line

This newsletter is published by the **Alcohol and Gaming Commission of Ontario** to provide licensees and interested parties with information regarding horse racing legislation and related issues. Reader comments and content suggestions are welcome.

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