

Horse Racing Appeal Panel

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**HORSE RACING APPEAL PANEL**

TORONTO, ONTARIO – NOVEMBER 9, 2020
TB HRAP 06027 2020

NOTICE OF DECISION

**IN THE MATTER OF THE HORSE RACING LICENCE ACT, S.O. 2015 C. 38 Sched. 9;
AND IN THE MATTER OF A REQUEST FOR A STAY BY NICHOLAS NOSOWENKO
OF THOROUGHBRED RULING NUMBER 1094155**

Date of Issue:	November 9, 2020
Horse Racing Appeal Panel (Panel):	Stanley Sadinsky, Q.C., Chair
Representative for the Appellant:	Frank Roth
Decision:	The Panel grants the stay, on consent.

WHEREAS Nicholas NOSOWENKO (“NOSOWENKO”) is licensed with the Alcohol and Gaming Commission of Ontario (“Commission”) as a Trainer;

AND WHEREAS on June 13, 2020, NOSOWENKO was the trainer of record for the horse “Peace Seeker”, tattoo number S10535;

AND WHEREAS on October 22, 2020, Commission Racing Officials issued Thoroughbred Ruling Number 1094155, wherein “Peace Seeker”, which finished 2nd, was disqualified as a result of a Certificate of Positive Analysis for the Class II drug Capsaicin from a test following the 6th race at Woodbine Racetrack on June 13, 2020, in accordance with Rules 15.06.01(a), 15.06.01(b), 15.06.03(c) of the Rules of Thoroughbred Racing (“Rules”);

AND WHEREAS Thoroughbred Ruling Number 1094155 also directs that NOSOWENKO will not be issued a suspension or monetary penalty pursuant to Rules 15.04.02.2, 15.05.01, 16.13(c), 16.13(d) and 24.01 of the Rules, and Policy Directive No. 1-2018;

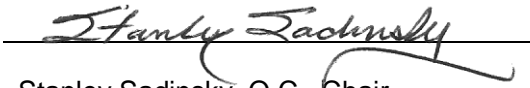
AND WHEREAS Thoroughbred Ruling Number 1094155 further directs that “Peace Seeker” be declared unplaced for all purposes, with the exception of Pari-Mutuel Wagering, and all purse money and driver/trainer fees be returned and redistributed, in accordance with Rule 15.04.03 of the Rules and Policy Directive No. 1-2018;

AND WHEREAS on November 2, 2020, NOSOWENKO filed a Notice of Appeal and a Notice of Motion requesting a stay with the Panel;

AND WHEREAS on November 6, 2020, the Registrar consented to the stay being granted;

TAKE NOTICE that the Panel grants the stay, on consent.

DATED on this 9th day of November, 2020.

A handwritten signature in cursive script, reading "Stanley Sadinsky", is written over a horizontal line. The signature is fluid and extends slightly below the line.

Stanley Sadinsky, Q.C., Chair
Horse Racing Appeal Panel