

Press Release

For Immediate Release
Campbellville, Ontario
Monday, June 23, 2014

OHHA Responds to Meadowlands Situation

In all jurisdictions, harness racing is governed, policed and controlled by a political body – normally a Racing Commission or Gaming Commission. These regulatory organizations are charged with licensing individuals – and tracks – to participate in racing. They are also responsible for policing the game. They hand out penalties when rules are broken and suspend or expel individuals if there are transgressions.

The idea of any racetrack owner or operator stepping in and handing out their own sanctions including exclusions – particularly in instances when the regional governing body has found no wrongdoing - is a very dangerous precedent to allow. The recent action by the Meadowlands' lessee in prohibiting one of the most talented and respected drivers in our sport from participating in races at the New Meadowlands is one of the worst examples of what is so wrong with the exercise of this unbridled power. For a day or so we were led to believe that one of the sport's heroes was somehow guilty of wrongdoing. Brian Sears' reputation was tarnished as we all awaited the news that the operator of the New Meadowlands was protecting us all from some unknown, but serious, misdeed by the sport's aptly named "White Knight". He was embarrassed publicly when he went to drive in baby races and qualifiers Friday morning and he was almost literally being taken off his mounts on orders from race secretary Peter Koch.

Exclusions are often followed by reciprocity as we have seen WEG here in Canada deny licensed horsemen opportunities to race at WEG tracks unless and until they have gotten to race at the Meadowlands. No reason need be given to justify the decision. Innuendo and false statements seem to do the trick if they come from another racetrack operator. Jeff Gural is not the only one to do this, so has WEG and so have other US track operators.

Their actions, done with impunity, infringe on the government's power to license horsemen and can limit the use of that license to the point of rendering it almost totally useless. It seems to us that no track should have an absolute immunity from having to justify an exclusion of a licensee in good standing. We have seen all too often situations where innocent horsemen, who merely represent the interests of their constituents, are barred or ejected from participating or even entering the grounds where some proprietor has taken arbitrary action just because he wants to. If the government doesn't stop the abuse by track operators then a horseman should have the right to bring an action at law based upon such exclusion. The motive in the Sears case points out with crystal clarity how some track operators will use such power to serve their own selfish ends. And, if other tracks began to retaliate in kind, that would create chaos in the driving community and start internecine wars between track owners. None of which is good for the sport

and the owners who want the best drivers at a given track on a given day or night to give them the best chances to win. If Mr. Gural had a legitimate reason to bar Brian Sears that should have been communicated to the racing officials and they should have determined if there were grounds for exclusion. Now we have learned that the action hidden behind the mantra of guarding integrity of the sport was an ugly rouse by someone wanting us to believe that only OUR interests were the guiding reason action was being taken. Shame on Mr. Gural and all of us for tolerating this behavior from track operators who choose to dictate their will for their own selfish gains.

Allowing private tracks to undercut the regulatory body's decision-making ability on the fitness of an individual to participate in the game hurts everyone. If a track has cause to suspect wrongdoing from a licensed individual, it can present its evidence to the independent regulatory body for an unbiased determination. Allowing tracks to unilaterally exclude licensed individuals, without any cause, violates the rights of horsemen and renders the existence of separate regulatory bodies meaningless.

The Ontario Harness Horse Association has defended, and will continue to vigorously defend, the rights of licensed individuals in good standing with the regulatory body to properly exercise the full extent of their racing licenses. For a racetrack operator to use private property laws as justification for banning any individual should not be tolerated.

In the court case between the Ontario Harness Horse Association and the Ontario Racing Commission and Sudbury Downs Holding, heard by the Court Of Appeal for Ontario in 2002, Justices Morden, Catzman and Rosenberg stated: *"I now consider the intersection between the Commission's powers, just considered, and Sudbury Downs' property rights. I must say at the outset that I do not think that it is a completely accurate characterization of the issue between the parties to say that it is concerned with Sudbury Downs' property rights. While it is true that taking some action which may allow members of the OHHA to race at Sudbury Downs necessarily involves some interference with its property rights, the essence of the dispute is not over property rights but over exclusion of certain licensed persons from the sport of horse racing. It is much more a horse racing issue than a property issue. Its bearing on Sudbury Downs' property rights is more incidental than direct."*

They later wrote: *"The court, taking into account the purposes of the Labour Relations Act, held that such a power was necessarily implied. The same process of implication is applicable in this case. Horse racing is conducted on the ground. The exercise of the power to govern and regulate this activity necessarily involves making of some decisions which will have some effect on the private property rights of the owner of the ground."*

OHHA supports the findings of the Court Of Appeal Of Ontario which ensures that all licensees are afforded due process and a full hearing before the state or provincial regulatory bodies who will ultimately make decisions and orders regarding the suitability of the licensee to continue to practice their profession.

Mr. Gural was quoted in a recent article, written by Debbie Little, as stating: *“In general there is very little loyalty and people do what is best for them financially, which hurts because I am putting so much time, effort and money into this, but hopefully, someday I will get slots and I can pick and choose who races here. That day can’t come soon enough, but in the meantime I will do the best I can.”*

Let’s hope that it never comes to this.

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