

IN THE MATTER OF AN APPEAL UNDER ENABLING LEGISLATION OF THE LEGISLATURES OF THE PROVINCES OF PRINCE EDWARD ISLAND, NOVA SCOTIA, NEWFOUNDLAND AND LABRADOR, AND NEW BRUNSWICK ESTABLISHING AN ATLANTIC PROVINCES HARNESS RACING COMMISSION AND UNDER THE RULES AND REGULATIONS OF THE ATLANTIC PROVINCES HARNESS RACING COMMISSION.

Appeal Heard at Kensington, PE, November 16<sup>th</sup> 2017, 3:30 P.M.

BETWEEN:

Carl J Isenor (4605Y4)  
APHRC Licensee  
NS  
APPELLANT

AND:

Kevin Crowell, Senior Judge  
Alex Munro, Michael Ellsworth,  
Associates, Judges' Panel Truro Raceway,  
September 24<sup>th</sup>, 2017, "Special" Race  
RESPONDENT(S)

PRESENT:

A panel consisting of Chair Frank Balcom (NS), Commissioners, Cheryl Geldart Greer (NB), Keith Gowan (NL), Lowell Stead (PE), Blair Hansen (PE), David Lewis (NS), Stefan DeCoursey (NB) convened to hear the appeal. Debbie Walsh and Paul Hogan appeared at the hearing for the Administration. Judge Kevin Crowell appeared on behalf of the Respondent(s). Appellant Mr. Carl Isenor appeared in person and was self-represented. Appellant and Respondent(s) were affirmed by Commissioner David Lewis. Owner James Ripley attended the Hearing as an observer.

The Appeal Hearing was conducted under the provisions of Section 7.3 of the Atlantic Provinces Harness Racing Rules and Regulations and the procedure for the conduct of the Appeal Hearing was guided by that Section.

The Chair introduced all those present and then asked both parties if they accepted the jurisdiction of the APHR Commission Appeal Panel of Seven (7) Commissioners; at least one member from each of the participating Provinces of the Commission, to conduct the Appeal and to render a written Decision in due time. All parties accepted the jurisdiction of the Atlantic Provinces Harness Racing Commission Appeal Panel of Seven (7) Commissioners.

PRELIMINARY MATTERS:

The Chair asked if there were any Preliminary Matters to be dealt with, and there being

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none, the Hearing continued.

POSITION OF THE RESPONDENT JUDGES PANEL:

Judge Kevin Crowell stated that conditions were perfect with a temperature of 28C. In reviewing the race fractions prior to making a decision the Judges looked at all of the previous trot races held at Truro, and the slowest half was 102.3

The Judges believed the fractions were too slow for this class of horses and concluded that Majian Cash had the ability to put up more acceptable fractions.

END OF RESPONDENT'S SUBMISSION

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POSITION OF THE APPELLANT – APHRC LICENSEE DRIVER CARL ISENER

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Mr. Isenor stated that the other two horses in the race were a much better caliber than the horse he was driving. He went on to explain that their earnings were much higher and both ended up racing in the BC Final.

Mr. Isenor said that the rule is to prevent someone from disadvantaging the field, but that was not the case here as the other two horses were much better than Majian Cash and “I just let him trot where he wanted to go.”

END OF SUBMISSION OF APPELLANT APHRC LICENSEE DRIVER CARL ISENER

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UNANIMOUS DECISION 6-0 OF THE ATLANTIC PROVINCES HARNESS RACING APPEAL PANEL OF SEVEN (7) COMMISSIONERS, CHAIR NOT VOTING.

After a thorough Appeal Hearing, a review of evidence and post hearing deliberations, your APHR Commission by a unanimous decision of 6-0 finds as follows:

**The Appeal of CARL ISENER is ALLOWED**



**Reasons for Decision:**

1. Appeal Board members who allowed the Appeal believed there wasn't any confusion.
2. The horse's start on August 24<sup>th</sup> where he trotted a half in 59.3 off the front was at a different track and with a different driver.



FRANK BALCOM

Chair

Atlantic Provinces Harness Racing Commission Appeal Panel of SEVEN (7),

DATED AT KENSINGTON, PRINCE EDWARD ISLAND THIS 16<sup>TH</sup> DAY OF  
November, A.D., 2017.

PH/Kensington, PEI, 16/11/17

