

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 16th 2017, 6:30 P.M.

BETWEEN: Paul Morrison (6820T9)
APHRC Licensee
PE
APPELLANT

AND: Roger DesRoches, Senior Judge
Dylan Allain, Cliff Affleck,
Associates, Judges' Panel CDP,
October 29TH, 2017, Race #5
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), and Stefan DeCoursey (NB) convened to hear the appeal. Debbie Walsh and Paul Hogan appeared at the hearing for the Administration. Judge Roger DesRoches appeared on behalf of the Respondent(s). Mr. Paul Morrison appeared in person and was self-represented. Driver Ken Arsenault appeared as a witness for the Appellant. Appellant, Respondent(s) and witness were affirmed by Commissioner David Lewis.

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



none, the Hearing continued.

POSITION OF THE RESPONDENT JUDGES PANEL:

Judge Roger DesRoches making use of the video replay stated the Judges believed the horse was off stride just as they reached the last pylon before the wire, “the back end is off and head goes down slightly at last pylon”.

He went on to say that looking at the race live, and the view the Judges have, they unanimously agreed that the horse was off stride before the wire.

END OF RESPONDENT’S SUBMISSION

POSITION OF THE APPELLANT – APHRC LICENSEE OWNER PAUL MORRISON

Mr. Morrison agreed with his driver Ken Arsenault who testified that the horse was hiking, but was not off stride until after the horse had reached the wire. He reiterated that the horse was hiking and out of rhythm, but not off stride at the wire.

END OF SUBMISSION OF APPELLANT APHRC LICENSEE OWNER PAUL MORRISON

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 PAUL MORRISON is ALLOWED

Reason for Decision:

1. Appeal Board members who allowed the Appeal believed the horse had reached the wire before going off stride.





Paul Hogan

FRANK BALCOM

Chair

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

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

PH/Kensington, PEI, 16/11/17

