

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, August 1ST. 2018, 4:15 P.M.

BETWEEN: Stephen S Mason (9294N5)
APHRC Licensee
NB
APPELLANT

AND: Alex Munro, Senior Judge
Travis Fowler, Bob Wallace,
Associates, Judges' Panel EPR,
June 16th, 2017, Race #3
RESPONDENT (S)

PRESENT:

A panel consisting of Chair Frank Balcom (NS), Commissioners, Keith Gowan (NL), Lowell Stead (PE), Blair Hansen (PE), Cheryl Geldart Greer (NB) and Stefan DeCoursey (NB) convened to hear the appeal. Debbie Walsh and Paul Hogan appeared at the hearing for the Administration. Senior Judge Alex Munro appeared on behalf of the Respondent(s). Appellant Steve Mason appeared in person and was self-represented. Appellant, witness Dr. Mitchell Downey who testified by telephone and Respondent(s) were affirmed by Commissioner Stefan DeCoursey.

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 Six (6) 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 Six (6) 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 Alex Munro stated that after the race, horses were held on the backside because of an inquiry involving JK Down. In the opinion of the Judges, Mr. Mason did not have enough clearance when he moved to the top in front of Mr. Davies as the horses raced to the 5/8 pole.

Judge Munro stated that the Judges spoke with Mr. Davies and he said "he didn't hit me, but it was close and I had to grab my horse". As a result, Mr. Mason was placed fifth for interference.

He summed up by saying that Mr. Mason came down when room didn't exist and did not look when he came down.

END OF RESPONDENT'S SUBMISSION

POSITION OF THE APPELLANT – APHRC LICENSEE DRIVER STEVE MASON

Mr. Mason stated that he rides out about three feet away from the pylons in order to avoid a pylon violation and he had cleared Mr. Davies "who ran up on me". He also said that Fall Bliss did not break stride until after three or four lengths after he cleared.

Mr. Mason also said that Mr. Davies didn't have much control of his horse.

Dr. Mitchell Downey testified by telephone and indicated that from where he was sitting he almost hollered a Mark Haig who was getting in on him going into the turn.

In his opinion, Mr. Mason had crossed over before there was any confusion that in his opinion was caused by Mr. Davies and Mr. Haig getting too close or perhaps hitting one another.

Mr. Mason concluded that he is a very cautious and perhaps one of the safest drivers who always has his horse under control. "I always admit if I have done anything wrong".

END OF SUBMISSION OF APPELLANT APHRC LICENSEE DRIVER STEVEN MASON





MAJORITY DECISION 3-2 OF THE ATLANTIC PROVINCES HARNESS RACING
APPEAL PANEL OF SIX (6) COMMISSIONERS, CHAIR NOT VOTING.

After a thorough Appeal Hearing, a review of evidence and post hearing deliberations, your
APHR Commission by a majority decision of 3-2 finds as follows:

The Appeal of STEVE MASON is DENIED

Reasons for Decision:

1. Appeal Board members who denied the Appeal believed Mr. Davies had to take hold of his horse and was impeded.
2. Appeal Board members who allowed the Appeal believed that Mr. Mason had cleared and Mr. Davies ran up on his back.

FRANK BALCOM
Chair

Atlantic Provinces Harness Racing Commission Appeal Panel of SIX (6),

DATED AT KENSINGTON, PRINCE EDWARD ISLAND THIS 1ST DAY OF
AUGUST, A.D., 2018.

PH/Kensington, PEI, 01/08/18

