

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.

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Appeal Heard at Kensington, PE, October 18<sup>TH</sup> 2018, 8:30 A.M.

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BETWEEN: Terry Gallant (2154Z1)  
APHRC Licensee  
PE  
APPELLANT

AND: Derek Quinn, Senior Judge  
Kent Butler, Ron Hennessey,  
Associates, Judges' Panel CDPEC,  
August 30<sup>th</sup>, 2018, Race #8  
RESPONDENT(S)

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PRESENT:

A panel consisting of Chair Frank Balcom (NS), Commissioners, Keith Gowan (NL), Lowell Stead (PE), Blair Hansen (PE), David Lewis (NS), 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 Derek Quinn appeared on behalf of the Respondent(s). Appellant Terry Gallant appeared in person and was self-represented. Appellant and Respondent(s) were affirmed by Commissioner David Lewis. Owner Eric Johnston 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 Senior Judge Derek Quinn asked about the appeal going forward as Mr. Gallant had not met the filing guidelines because his hearing was held on September 1<sup>st</sup> and the notice of intent and appeal documents were not filed until September 4<sup>th</sup> this in spite of the fact Mr. Gallant



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racing horses at SRW on September 3<sup>rd</sup> which would have given him ample time to file his appeal. The Chair informed Judge Quinn that the Commission had reviewed a request from Mr. Gallant and had decided to hear the appeal despite the late filing (extenuating circumstances). The hearing then continued.

POSITION OF THE RESPONDENT JUDGES PANEL:

Judge Derek Quinn, making use of the HD video pan shot he pointed out where the Judges believed both Mr. MacDonald and Mr. Panting had to go wide, thus they were impeded, which is interference.

Judge Quinn concluded that that Mr. Gallant's horse had been placed behind the two horses the Judges believed had been impeded while Windamer dontu worry was off stride.

END OF RESPONDENT'S SUBMISSION

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POSITION OF THE APPELLANT – APHRC LICENSEE TRAINER TERRY GALLANT

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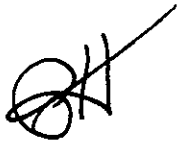
Mr. Gallant using the HD pan shot video stated that Brian Andrew came down in front of Mr. MacDonald and Mr. Panting. He said that Mr. Panting had his horse's head pulled to the outside because he already had a wheel under MacDonald's horse and concluded by saying that "both MacDonald and Panting overreacted."

END OF SUBMISSION OF APPELLANT APHRC LICENSEE TRAINER TERRY GALLANT

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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:



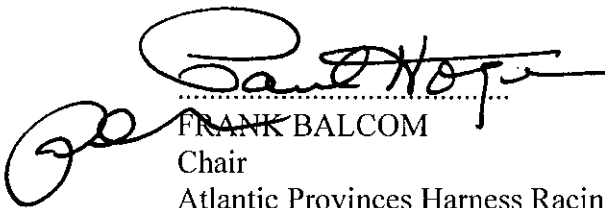
**The Appeal of TERRY GALLANT is ALLOWED**

**Reasons for Decision:**

1. Appeal Board members believed that Danny MacDonald held his position
2. Gilles Barrieau complied with the breaking rules.
3. Jack Panting already had his horse out wide.

**OFFICIAL ORDER OF FINISH WILL NOW BE AS FOLLOWS:**

<b>BUCKAROO</b>	<b>1</b>
<b>WINDEMERE DONTUWORRY</b>	<b>2</b>
<b>A PURE HEART</b>	<b>3</b>
<b>DUSTYLANE AMBYR</b>	<b>4</b>
<b>KRIS ME GOODNIGHT</b>	<b>5</b>
<b>WESTVIEW DIXIE</b>	<b>6</b>
<b>UP TO THE MINUTE</b>	<b>7</b>



FRANK BALCOM  
Chair

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

DATED AT KENSINGTON, PRINCE EDWARD ISLAND THIS 18<sup>TH</sup> DAY OF  
October, A.D., 2018.

PH/Kensington, PEI, 18/10/18

