

IN 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, October 21, 2022.

BETWEEN: Mark Haig
APHRC Licensee
APPELLANT

AND: Bob Wallace, Senior Judge
June 4, 2022 Exhibition Park Raceway
Race #7
RESPONDENT(S)

PRESENT:

A panel consisting of, Commissioners, Frank Balcom (NS) Dr. Mitchell Downey (NB), Stefan DeCoursey (NB) Lowell Crowe (NS) Jacinta Campbell (PEI) convened to hear the appeal. Cindy Doucette, and Mike Wilson appeared at the hearing for the Administration. Appellant Mark Haig represented himself, as did the respondent, Senior Judge Bob Wallace.

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, Frank Balcom, introduced all those present and then asked both parties if they accepted the jurisdiction of the APHR Commission Appeal Panel of four (4) Commissioners; 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 four (4) 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 Wallace began by showing the video of race #7 on June 4, 2022, at EPR, Judge Wallace drew attention to the stretch drive when Mr. Haig drops his whip and begins to use the lines to urge his horse and in doing so has his hands above his head. The Judges issued a ruling for a one-day suspension and a \$200 fine for violation of rules 311(1) (B), (3) (C)

END OF RESPONDENT'S SUBMISSION

POSITION OF THE APPELLANT APHRC LICENSEE Mark Haig

Mr. Haig began by stating he was just trying to win the race and that after dropping his whip he was using the lines to encourage his horse to the finish. He also stated that because he had no whip that he shouldn't be charged with an urging violation.

END OF SUBMISSIONS BY THE APPELLANT AND RESPONDENT

DECISION OF THE ATLANTIC PROVINCES HARNESS

RACING APPEAL PANEL OF four (4) COMMISSIONERS.

After a thorough Appeal Hearing, a review of evidence and post hearing deliberations, your APHR Commission by a unanimous decision of 4-0 finds as follows:

The Appeal of Mr. Haig is **Modified as per APHRC rule #418.**

The original decision of the Judges has been modified.

Reason for Decision:

1. The Appeal Board members felt that there was enough video evidence to support the Judge's decision of a violation, but have decided that the infraction should be modified to a violation of rule 311 (3) (A) "at no time shall the handholds be raised above the Driver's head to further urge the horse"
The penalty is modified to a \$100 fine.

AS PER  MIKE WILSON
Frank Balcom
Chairman APH Racing Commission Appeal Panel of four (4)

DATED AT KENSINGTON, PRINCE EDWARD ISLAND THIS 21st DAY OF October, A.D., 2022.
MW/Kensington. PEI-