

**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: **Richie Baryluk**
APHRC Licensee
APPELLANT

AND: **Danny MacKinnon, Senior Judge**
Race # 6 August 27, 2022
Northside Downs
RESPONDENT(S)

PRESENT:

A panel consisting of, Commissioners, Frank Balcom (NS), Dr. Mitchell Downey (NB), Stefan DeCoursey (NB), Jacinta Campbell (PEI) and Lowell Crowe (NS) convened to hear the appeal. Cindy Doucette, and Mike Wilson appeared at the hearing for the Administration. Appellant Richie Baryluk was self-represented, the respondent, Senior Judge Danny MacKinnon represented himself.

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 MacKinnon introduced the only available camera shot which was the pan video of the 6th race at the start and going into the first turn to illustrate the Judges opinion. It was the opinion of the Judge's that Driver; Richie Baryluk while driving #2 "Accelerator" did bear out causing interference to # 3 "Pay Line" driven by Ryan Campbell going into the first turn. Judge MacKinnon called Ryan Campbell as a witness; Mr. Campbell stated that Mr. Baryluk had moved out into his horse causing interference approaching the first turn. Judge MacKinnon advised the panel the decision by the Judge's was to place "Accelerator" from 2nd to 6th for interference, rule 303-(1) & (5) and assess a \$100 fine to Mr. Baryluk.

END OF RESPONDENT'S SUBMISSION

POSITION OF THE APPELLANT APHRC LICENSEE Richie Baryluk:

Mr. Baryluk stated that he was maintaining his course in the two path and at no time going into the first turn did his horse bear out.

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. Baryluk is **ALLOWED**.

The original decision of the Judges has been **rescinded**.

The original order of finish is restored as follows:

#6 A Better Man - 1st

2 Accelerator - 2nd

#3 Pay Line -3rd

#7 Shadow of a Daut- 4th

#1 Cowboy Gillies - 5th

4 Lil Beau Duke - 6th

8 Southwind Ricardo- 7th

5 Julian I Am - 8th

Reason for Decision:

1. The Appeal Board members by a 4-0 vote felt that based on the only shot available Mr. Baryluk maintains his position going into the first turn and does not cause interference to # 3 "Pay Line".

ASPER  *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-