

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, August 10, 2023.

---

BETWEEN: Jaycob Sweet  
APHRC Licensee

APPELLANT

AND:

Kevin Crowell, Senior Judge  
July 18, 2023 at Truro Raceway Race 7  
RESPONDENT(S)

---

PRESENT:

A panel consisting of Commissioners, Vice Chair Stefan DeCoursey (NB), Jacinta Campbell (PE) Lowell Crowe (NS), Dawn Hubbard (NB) and Dr. James Boswall (PE) convened to hear the appeal. The Chair Frank Balcom recused himself from the hearing as he owned part of a horse in the race in question. Cindy Doucette and Mike Wilson appeared at the hearing for the Administration. Appellant Jaycob Sweet represented himself, as did the respondent, Senior Judge Kevin Crowell (by Phone).

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.

Vice Chair Decourcey 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:

Vice Chair Decourcey asked if there were any Preliminary Matters to be dealt with, and there being none, the hearing continued.

POSITION OF THE RESPONDENT JUDGES PANEL:

Senior Judge Crowell introduced the video for the appeal and utilized the video numerous times to state the Judges opinion. In the opinion of the Judges, Mr. Sweet's horse Timberlea Lady while on the lead in the last turn, did bear out causing interference to the two horses on the outside # 3 Promise Me Later and #5 Miss Dutton. The Judges placed Timberlea Lady from 1<sup>st</sup> to 6<sup>th</sup>.

END OF RESPONDENT'S SUBMISSION

---

POSITION OF THE APPELLANT APHRC LICENSEE Jaycob Sweet

Mr. Sweet stated that in his opinion the horses on his outside were not interfered with when his horse ran out in the last turn, and he should not have been placed behind them.

END OF SUBMISSIONS BY THE APPELLANT AND RESPONDENT

---

By a 4-0 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 decision of 4-0 finds as follows:

The Appeal of Mr. Sweet **is denied.**

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

**Reason for Decision:**

1. The Appeal Board members by a decision of 4-0 felt that after watching the video numerous times and weighing the deliberations by the appellant and Judge, Timberlea Lady did cause interference to the two horses on the outside and subsequently be placed from 1<sup>st</sup> to 6<sup>th</sup>.

Stefan Decourcey AS PER

Stefan Decourcey Vice Chair, APH Racing Commission Appeal Panel of Four (4),

DATED AT KENSINGTON, PRINCE EDWARD ISLAND THIS 15th DAY OF  
August, A.D., 2023.

MW/Kensington. PEI.