

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

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ATLANTIC PROVINCES HARNESS RACING COMMISSION.

Appeal Heard at Kensington, PE, August 10, 2023.

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BETWEEN:

Myles Heffernan 6740X7  
APHRC Licensee

APPELLANT

AND:

Kevin Crowell, Senior Judge  
July 18, 2023, Race 3 at Truro Raceway  
RESPONDENT(S)

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PRESENT:

A panel consisting of Commissioners, Frank Balcom (NS), Stefan DeCoursey (NB), Lowell Crowe (NS), Dawn Hubbard (NB) and Dr. James Boswall (PE) convened to hear the appeal. Commissioner Jacinta Campbell (PE) recused herself as she owned part of a horse that participated in the race in question. Cindy Doucette and Mike Wilson appeared at the hearing for the Administration. Appellant Myles Heffernan was self-represented, the respondent, Senior Judge Kevin Crowell (by phone) 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 five (5) 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 five (5) 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 Crowell introduced the pan camera video for the appeal to illustrate the Judges opinion. It was the opinion of the Judge's that Driver; Myles Heffernan while driving #5 Zendayas Firstlady did bear in going into the second turn causing # 6 A Girl Named Tom driven by Paul Langille to break stride interfering with # 7 Galway Girl and Driver Marc Campbell. Judge Crowell advised the panel on this day it was a unanimous decision by the Judge's to place #5 Zendayas Firstlady from 3<sup>rd</sup> to 5<sup>th</sup> for interference, rule 303-1&9 and accessed a one-day suspension or a \$100 fine to Mr. Heffernan.

END OF RESPONDENT'S SUBMISSION

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POSITION OF THE APPELLANT APHRC LICENSEE Myles Heffernan

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Mr. Heffernan asked for the pan and back tower to be played and stated that he had not interfered with the # 6 horse and that Mr. Langille had to grab a hold because his horse was putting in steps going into the second turn.

END OF SUBMISSIONS BY THE APPELLANT AND RESPONDENT

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By a DECISION OF THE ATLANTIC PROVINCES HARNESS  
RACING APPEAL PANEL OF Five (5) COMMISSIONERS.

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

The Appeal of Mr. Heffernan **is Denied.**

**The original decision of the Judges has been upheld, and a fine of \$100 is accessed.**

**Reason for Decision:**

1. The Appeal Board members, by a 3-2 vote, felt that there was not enough room for Mr. Heffernan to be moving in towards the pylons approaching the second turn and he did cause interference to the trailing horses. #5 Zendayas Firstlady finished 3<sup>rd</sup> and was placed 5<sup>th</sup>.

 AS PER

Frank Balcom, Chairman APH Racing Commission Appeal Panel of Five (5),

DATED AT KENSINGTON, PRINCE EDWARD ISLAND THIS 22nd DAY OF  
August, A.D., 2023.

MW/Kensington. PEL