

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:

Myles Heffernan 6740X7
APHRC Licensee

APPELLANT

AND:

Derek Folland, Senior Judge
July 15, 2023 Summerside Raceway
Race #9
RESPONDENT(S)

PRESENT:

A panel consisting of Commissioners, Frank Balcom (NS), Stefan Decourcey (NB) Lowell Crowe (NS), Dawn Hubbard (NB) and Dr. James Boswall (PE) convened to hear the appeal. Commissioner Jacinta Campbell 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 represented himself, as did the respondent, Senior Judge Derek Folland.

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 Folland began by showing the video of race #9 on July 15, 2023, at Summerside Raceway, Judge Folland drew attention to Mr. Heffernan and his use of the whip during the race. The Judges issued a ruling for a one-day suspension and a \$300 fine for violation of rules 311(1) (b), (3) (b) and 312 (8)

END OF RESPONDENT'S SUBMISSION

POSITION OF THE APPELLANT APHRC LICENSEE Myles Heffernan

Mr. Heffernan after viewing the video asked for his appeal to be withdrawn.

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.

The Appeal of Mr. Heffernan is withdrawn and

The original decision of the Judges has been restored. Mr. Heffernan will serve a one day Driving suspension on September 4, 2023, and fined \$300.

Reason for Decision:

 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. PEI.