

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

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COMMISSION.

Appeal Heard at Kensington, PE, October 20, 2023.

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**Between**

**Mark Haig**

APHRC Licensee

**APPELLANT**

**And**

**Kevin Crowell, Senior Judge**

first non-betting race

September 24, 2023 at Woodstock

**RESPONDENT(S)**

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PRESENT:

A panel consisting of Commissioners, Jacinta Campbell (PE) Lowell Crowe (NS), Dawn Hubbard (NB), Keith Gowan (NFLD) and Dr. James Boswall (PE) convened to hear the appeal. The Acting Director Brett Revington conducted the appeal hearing. Cindy Doucette appeared at the hearing for the Administration. Appellant Mark Haig represented himself, as did the respondent, Senior Judge Kevin Crowell.

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.

Acting Director Brett Revington 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:

Acting Director Revington 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 let the race video play and described how the Judges determined Mr. Haig violated the rule of failing to maintain a pace comparable to the class of horses. rule 303.13. In the opinion of the Judge's a half of 1:07 and a mile in 2:09 was too slow for the class of horses and he gained an unfair advantage.

END OF RESPONDENT'S SUBMISSION

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POSITION OF THE APPELLANT APHRC LICENSEE Mark Haig

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Mr. Haig explained his reasoning for why a fine is not justified. The horse he is driving is lazy and needs a horse to be alongside him to help the horse advance. He was encouraging his horse throughout the mile. He felt this was a non-betting race and no customers were impacted. The other horse in the race was going all he could go and highlighted its previous miles are around the 2:09 time. Mr. Haig called Colin DeCoursey as a witness. Colin mentioned the fractions did not bother his horse and would have finished where he did no matter what the fractions were. Mr. Haig also called the starter Harry Trenholme as a witness. Mr. Trenholme stated he heard Mr. DeCoursey say to Mark Haig that Mark's horse had trouble advancing as only 2 in the race.

END OF SUBMISSIONS BY THE APPELLANT AND RESPONDENT

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By a 5-0 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 5-0 finds as follows:

The Appeal of Mr. Haig is **upheld**.

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

**Reason for Decision:**

1. The Appeal Board members, by a decision of 5-0 felt that after watching the video and weighing the deliberations by the appellant and Judge, that Mr. Haig was not in violation of Rule 303.13.
2. The panel felt Mr. Haig made attempts by encouraging his horse to keep the pace up. This was a 2-horse race. The driver of #1 said the fractions did not impact the result.

A handwritten signature in black ink, appearing to be 'BR', written over a horizontal line.

**Brett Revington Acting Director, APH Racing Commission Appeal Panel of Five (5),**

**DATED AT KENSINGTON, PRINCE EDWARD ISLAND THIS 24th DAY OF October, A.D.,  
2023.**

**BR/Kensington. PEI.**