

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, September 5, 2023.

BETWEEN:

Myles Heffernan
APHRC Licensee

APPELLANT

AND:

Derek Folland, Senior Judge
August 18th, 2023, Race 14 Charlottetown
RESPONDENT(S)

PRESENT:

A panel consisting of, Commissioners, Dr. James Boswall (PE), Stefan DeCoursey (NB) Lowell Crowe (NS), Keith Gowan (NFLD), Dawn Hubbard (NB) convened to hear the appeal. Cindy Doucette and Mike Wilson appeared at the hearing for the Administration. Appellant Myles Heffernan represented himself, the respondent, Senior Judge Derek Folland 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 Folland played the race video numerous times to explain the Judges panel's reasoning for placing Myles Heffernan. Judge Folland illustrated that Mr. Campbell was inside multiple pylons and Mr. Dowling did not change his course, nor did he interfere with Mr. Heffernan.

END OF RESPONDENT'S SUBMISSION

POSITION OF THE APPELLANT APHRC LICENSEE Myles Heffernan

Mr. Heffernan used the back tower camera to explain why he appealed this decision. He slowed the video down and pointed out where he felt, Mr. Dowling came out around Mr. Campbell and into him. Mr. Heffernan feels Mr. Dowling caused the confusion and interfered with him.

END OF SUBMISSIONS BY THE APPELLANT AND RESPONDENT

By a 4-1 DECISION OF THE ATLANTIC PROVINCES HARNESSRACING 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 4-1 finds as follows:

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

The original decision of the Judges has been overturned.

Reason for Decision:

1. The Appeal Board members, by a 4-1 vote, felt that Mr. Dowling did come out to go around Mr. Campbell. In doing so he pushed out into Mr. Heffernan and interfered with him.
2. As a result of the panel's decision there will be a new order of finish.
#1- 3p 8 for interference
#2- 6p 9 for pylons
#3 -4p 3
#4 -7p 6p 5
#5- 2
#6- 9p 8p 7
#7- 1
#8- 5p 4
#9- 8p 7 p6
3. It should be noted Mr. Heffernan stormed out of the appeal, saying, "What's the point you are going to do whatever you want anyways."

FosFB B. RF

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

DATED AT KENSINGTON, PRINCE EDWARD ISLAND THIS 26th DAY OF
September, A.D., 2023.

BR/Kensington. PEI.