

**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 11, 2023.

BETWEEN:

**Greg Bailey
APHRC Licensee**

APPELLANT

AND:

**Kent Butler, Senior Judge
August 16, 2023 Race 4 CDP
RESPONDENT(S)**

PRESENT:

A panel consisting of Commissioners, Chair Frank Balcom (NS), Vice Chair Stefan DeCoursey (NB), Jacinta Campbell (PE) Lowell Crowe (NS), Dawn Hubbard (NB) and Dr. James Boswall (PE) convened to hear the appeal. Cindy Doucette and Mike Wilson appeared at the hearing for the Administration. Appellant Greg Bailey represented himself, as did the respondent, Senior Judge Kent Butler.

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.

Chair 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:

Chair Balcom 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 Butler utilized the video numerous times to state the Judges opinion that Mr. Hughes had already moved out prior to when Mr. Bailey was advancing on the outside and did not cause interference.

END OF RESPONDENT'S SUBMISSION

POSITION OF THE APPELLANT APHRC LICENSEE Greg Bailey

Mr. Bailey used the race replay to show his reason for appealing the Judge's decision, stated that he pulled to the outside after the half mile point of the race and as he was advancing, Mr. Hughes pulled out and interfered with him and he had to move three wide to avoid contact.

END OF SUBMISSIONS BY THE APPELLANT AND RESPONDENT

**By a 4-1 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 4-1 finds as follows:

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

The original decision of the Judges to deny the Objection is upheld.

Reason for Decision:

1. The Appeal Board members by a decision of 4-1 felt that after watching the video numerous times and weighing the deliberations by the appellant and Judge, there was inconclusive evidence to overturn the Judge's decision.

For FB B TB 

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

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

MW/Kensington. PEI-