

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:

Arleen Gillis
APHRC Licensee

APPELLANT

AND:

Derek Folland, Senior Judge
August 17th, 2023, Race 8 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 Arleen Gillis represented herself, 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 explained that APHRC Investigator conducted a search of Arleen Gillis truck and trailer on this evening. A member of his team found a bag of electrolytes. At the time the Judges were unaware that she had a horse racing that evening. It wasn't until after the post parade of race 8 that they noticed she had one in to race. The rule does state that during a search and seizure the horse(s) shall be scratched but due to the timing they decided to let the horse race and wait for the report from Investigator Watts. The timing of Investigator Watts report was completed within the normal timelines of 2 weeks. Mr. Folland then introduced Mr. Watts as a witness who summed up their process when conducting searches. It is also at this time it should be noted that the trainer hired by Arleen Gillis was also in the vehicle. The Judge's held a hearing with Ms. Gillis on September 3rd and at that time issued the standard penalty per the rule 387 and disqualified the horse from the August 17th race date and ordered a purse redistribution.

END OF RESPONDENT'S SUBMISSION

POSITION OF THE APPELLANT APHRC LICENSEE Arleen Gillis

Ms. Gillis started her proceeding by stating she was not notified in a timely manner by the Judges and was not aware this was such a serious offence. Ms. Gillis felt that according to the rule with no stay being given for a search and seizure that her time should have started on August 17th but she was not notified.

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 Ms. Gillis is **UPHELD**;

The original decision of the Judges has been over tuned.

Reason for Decision:

1. The Appeal Board members by a 4-1 vote felt that there conflicting testimony between Judges, Investigator and the Investigation report. The panel felt that time served was sufficient, no fine and the original order of finish be reinstated.

2. New order of finish after the appeal and a separate positive test.

#1 Worth Repeating 5p4

#2 Downtown Tonight 4p3

#3 Galway Girl disqualified

#4 Timberlea Lady scratched

#5 Goodmorning Nova 2

#6 Chip of Evil 1

#7 Oh Artleigh 6p5

For FB B. [Signature]

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

DATED AT KENSINGTON, PRINCE EDWARD ISLAND THIS 5th DAY OF
October, A.D., 2023.

BR/Kensington. PEI