

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, October 20, 2023.

BETWEEN: Jason Hughes
APHRC Licensee

APPELLANT

AND: Kevin Crowell, Senior Judge
September 2nd, 2023, Race 7 Woodstock
RESPONDENT(S)

PRESENT:

A panel consisting of, Commissioners, Dr. James Boswall (PE), Jacinta Campbell (PE) Lowell Crowe (NS), Keith Gowan (NFLD), Dawn Hubbard (NB) convened to hear the appeal. Cindy Doucette and acting Director Brett Revington appeared at the hearing for the Administration. Appellant Jason Hughes was represented by Robi Hughes, the respondent, Senior Judge Kevin Crowell 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 Vice Chair, Stefan DeCoursey, 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 Vice 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 Crowell played the pan camera video to explain the Judges panels reasoning for the placing. The Judges felt Myles Heffernan kept his path and that Mr. Hughes came down into Mr. Heffernan. There was wheel to wheel contact as well. The Judges felt the pan camera video footage best illustrated their position.

END OF RESPONDENT'S SUBMISSION

POSITION OF THE APPELLANT APHRC LICENSEE Jason Hughes

Mr. Robi Hughes used both the camera angles available, the pan and back stretch video footage. Robi illustrated the path Mr. Heffernan took and had lots of room to the inside. He stated drivers when approaching a turn normally set up for it by coming out a little, which in his opinion Mr. Heffernan did. He used the dark grey and lighter grey track surfaces to show where the horses were. Robi also indicated that the horse Repeal or Replace is always walked to the gate which indicates behavior issues. Also, put into Exhibit C the chart lines of Repeal or Replace to indicate the horse has made many breaks over his career. Robi Hughes also introduced video from a previous start of Repeal or Replace showing again being lead to the gate and in the turn making a break.

END OF SUBMISSIONS BY THE APPELLANT AND RESPONDENT

By a 3-2 DECISION OF THE ATLANTIC PROVINCES HARNESS
RACING APPEAL PANEL OF FIVE (5) COMMISSIONERS.

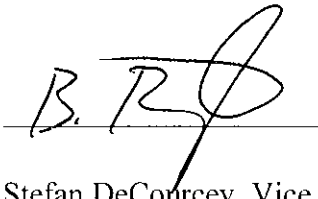
After a thorough Appeal Hearing, a review of evidence and post hearing deliberations, your APHR Commission by a decision of 3-2 finds as follows:

The Appeal of Mr. Hughes is **DENIED**.

The original decision of the Judges has been upheld.

Reason for Decision:

1. After a lengthy discussion the Appeal Board members by a 3-2 vote felt that there was not sufficient evidence to overturn the original Judge's decision of placing Bee Two Bee 1st placed 4th.
2. The original posted order of finish stands.

A handwritten signature in black ink, appearing to read 'B. DeCoursey', is written over a horizontal line.

for

Stefan DeCoursey, Vice Chairman 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.