

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, December 18, 2023.

BETWEEN:

Myles Heffernan 6740X7
APHRC Licensee

APPELLANT

AND:

Kevin Crowell, Senior Judge
at Truro Raceway
RESPONDENT(S)

PRESENT:

A panel consisting of Commissioners, Vice Chair Stefan DeCoursey (NB), Keith Gowan (NL), Jacinta Campbell (PE), Dawn Hubbard (NB) and Dr. James Boswall (PE) convened to hear the appeal. Cindy Doucette, Brett Revington and Mike Wilson appeared at the hearing for the Administration. Appellant Myles Heffernan was self-represented, the respondent, Senior Judge Kevin Crowell (by phone) 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 four (4) 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 four (4) Commissioners.

PRELIMINARY MATTERS:

The Chair asked if there were any Preliminary Matters to be dealt with, and there being none, the hearing continued.

Appeal Description:

This is an appeal against the Judges decision on October 29,2023 at Truro raceway to scratch the horse "Incredible Willie" from the first race as the starting fee payment was not paid on time as per APHRC rule # 245-4.

POSITION OF THE RESPONDENT JUDGES PANEL:

Judge Crowell stated that the race office called to say that they were trying to get hold of Mr. Heffernan as the time for the stake payment was fast approaching. The Judges paged for Mr. Heffernan at 11:45pm and tried to reach him on his cell phone but had no response. Mr. Heffernan arrived at the race office at 12:08pm and was advised by the Judges that his horse would be scratched as the starting fee had not been paid before the 12:00pm cutoff for the first race as per APHRC rule # 245-4.

END OF RESPONDENT'S SUBMISSION

POSITION OF THE APPELLANT APHRC LICENSEE Myles Heffernan

Mr. Heffernan stated that he arrived at the track at 11:45pm but could not find where to make his starting fee payment.

Mr. Heffernan called Kerry Taylor as a witness, Mr. Taylor proceeded to explain that he went to Truro the night before to make his starting fee payment but needed to get some help to gain entrance to the grandstand and the Race Office.

END OF SUBMISSIONS BY THE APPELLANT AND RESPONDENT

By a DECISION OF THE ATLANTIC PROVINCES HARNESS
RACING APPEAL PANEL OF Five (5) COMMISSIONERS.

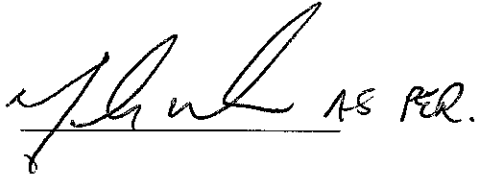
After a thorough Appeal Hearing, a review of evidence and post hearing deliberations, your APHR Commission by a decision of 3-2 finds as follows:

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

The original decision of the Judges has been upheld.

Reason for Decision:

1. The Appeal Board members, by a 3-2 vote, felt that The Race office and Judges tried to contact Mr. Heffernan prior to the one-hour cutoff. The Judges decision to scratch "Incredible Willie" was justified as per rule #245-4.

 AS PER.

Stefan Decoursey Vice Chair APH Racing Commission Appeal Panel of Five (5),

DATED AT KENSINGTON, PRINCE EDWARD ISLAND THIS 22nd DAY OF
December, A.D., 2023.

MW/Kensington. PEL