

IN THE MATTER OF AN APPEAL UNDER THE ENABLING LEGISLATION OF THE
LEGISLATURES OF PRINCE EDWARD ISLAND, NOVA SCOTIA, 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, August 7, 2024.

BETWEEN:

Marc Campbell

APHRC Licensee V00405

APPELLANT

AND:

Kent Butler, Senior Judge

July 14, 2023, Race 11, Red Shores
Summerside

RESPONDENT

PRESENT:

A panel consisting of Commissioners Lowell Crowe, (NS), Dr. James Boswall, (PEI), and Dawn Hubbard (NB) convened to hear the appeal. Cindy Doucette, Administrative Assistant and Financial Officer, and Director of Racing, Mitch Murphy appeared at the hearing for the Commission Administration. Mr. Butler represented himself as did Mr. Campbell.

The Appeal Hearing was conducted under the provisions of Section 7.3 of the Rules of Standardbred Harness Racing as adopted by the Atlantic Provinces Harness Racing Commission.

The Appeal Hearing Chair, Dawn Hubbard, introduced all present and confirmed with the parties their acceptance of the jurisdiction of the APHRC Panel to hear the appeal and deliver a written decision in due time. There being no objections, the Appeal Panel Chair asked if there were any preliminary matters. There being none, the Respondent was asked to proceed.

POSITION OF THE RESPONDENT

Mr. Butler, testified that the 11th race at Red Shores Summerside on July 14, 2024, was an elimination heat for the Governor's Plate, which was contested on July 20, 2024. Marc Campbell was the driver of "Roll Em" on July 14.

Mr. Butler testified that "Roll Em" is a top invitational horse in the region and the current track record holder at Red Shores Summerside. While a quarter of 30.1 may not be slow for some horses it is for "Roll Em", especially given the near ideal racing conditions on July 14, 2024, at Red Shores Summerside.

Mr. Butler presented the fractions of the race; 28.0; 58.1; 126; and 153.3. Mr. Butler's position was that the second quarter of 30.1 constituted a violation of Rule 303 (13) of the Standardbred Rules of Harness Racing as adopted by the APHRC. There was unanimous agreement amongst the three judges in the stand on July 14th of the violation.

Mr. Butler testified that a first half of 58.1 seconds and a back half of 55.2 seconds was further evidence of failure to set or maintain a pace comparable to the class. Mr. Butler offered additional testimony that the onus is on the lead horse to set or maintain the pace. Marc Campbell and "Roll Em" were first at the quarter pole and led the remainder of the race.

Rule 303: A driver shall not commit any of the following acts, which are considered **TYPE 1** offenses against the driving rules:

(13) "Failure to set or maintain a pace comparable to the class in which he is racing considering the horse's ability, track conditions, weather and circumstances confronted in the race. Maximum fine for a slow fraction regardless of purse is \$500. For a first-time offence in a calendar year, the penalty is 5% of purse, for the second offence in a calendar year, the penalty is 10% of purse, and for a third offence or additional offences in a calendar year, the penalty is 10% of purse plus a **DRIVING** suspension of **SEVEN (7)** racing days and may be required to go a rated mile."

The purse for the race was \$8500. The fine levied was 5% of the purse or \$425.

POSITION OF THE APPELLANT

Marc Campbell advanced the position that the fractions had to be viewed in the context of the circumstances confronted in the race. Mr. Campbell testified that 4 of the 7 horses in the race were not on the gate leaving and Roll Em was on the gate and was able to easily obtain the lead position.

Mr. Campbell testified that after the opening quarter he never sensed any pressure from the other horses in the race and thought that he was going along at a good pace. To further support his testimony, Mr. Campbell stated that the chart lines indicate that he was a length and a half to two lengths ahead at the half.

He testified that the pace he set never caused any confusion in the race, which was further evidence of a suitable pace.

Mr. Campbell stated that although racing conditions were good, the track was not fast for Governor's Plate week in 2024. In his view a quarter of 30.1 seconds was not a violation of 303 (13) given the circumstances confronted in the race.

APPEAL PANEL DECISION

There was not unanimous agreement amongst appeal panel members. The ruling of the judges was supported by one Commissioner who agreed with the reasons advanced by Senior Judge Butler for the violation. He felt, although a 30.1second quarter may be fine with a lower class of horses, it was a clear violation in this matter given the very good racing conditions and the class of horses involved in the Governor's plate elimination. He felt the ruling of the Judges should be upheld and the appeal dismissed.

Another Commissioner agreed with the arguments advanced by Mr. Campbell. He felt that although a 30.1 second quarter was 2.1 seconds slower than the first quarter, it was not so egregious as to warrant a violation under Rule 303(13) given the circumstances of the race as witnessed through a review of the video of the race.

The chair of the Appeal Panel was also in agreement with the arguments presented by Mr. Campbell.

Therefore, by a decision of 2 to 1, the appeal by Mr. Campbell is upheld and the ruling of the Judges is overturned.

For the Appeal Panel:



Mitch Murphy, Director of Racing

APHRC

Dated at Kensington, PE, this 19th day of August 2024.