

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, November 21, 2024

BETWEEN:

William MacKay Jr.

APHRC Licensee Y38151

APPELLANT

AND:

Derek Folland

Senior Racing Judge

Red Shores Summerside

Race 1, October 22, 2024

RESPONDENT

PRESENT: A Panel consisting of Commissioners Stefan DeCoursey (NB), Dawn Hubbard (NB), Lowell Crowe (NS), Jay Griffin (NFLD and Labrador), and Glen Rankin (NS) convened to hear the appeal. Mr. Rankin chaired the meeting but did not vote. Cindy Doucette, Administrative Assistant and Financial Officer, and the Director of Racing Mitch Murphy appeared for the Commission Administration. Mr. MacKay represented himself as did Mr. Folland.

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

POSITION OF THE RESPONDENT

Senior racing Judge Folland testified that MacKay, the driver of ArnoldthePaperboy, was found in violation of Rule 303 (1), (5), and (9) during Race 1 at Red Shores Summerside on October 22, 2024, and was subsequently fined \$100.

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

- (1) Change course or position, or swerve in or out or bear in or out during any part of the race in such a manner as to compel a horse to shorten its stride or cause another driver to change course, take his or her horse back, or pull his or her horse out of its stride.**
- (5) Crowd a horse or driver by "putting a wheel under him".**
- (9) Impede the progress of another horse or cause it to break from its gait.**

Folland introduced the pan camera video from Race 1 on October 22, 2024, as evidence. The video was tagged as exhibit six (6).

Folland testified that MacKay came first up past the half and heading down the backstretch for time two. Between the 5/8ths and the 3/4th, Robert Chappell driving Bet the Bull, moved into the three wide path to pass MacKay.

Folland testified MacKay remained in the two-path until the upper turn heading to the 7/8th pole. MacKay then proceeded to move Arnoldthepaperboy down to the rail, but much of that space was occupied by Darrell Neill, driving BuddysNVirgins in the one path.

Folland testified MacKay did not have room to move to the rail and when he attempted to do so, he caused interference with Neill.

POSITION OF THE APPELLANT

MacKay testified that going into the upper turn that he was clear of Neill when he began to move from the two-wide path to the rail. MacKay testified that it was Neill who caused the interference by driving into the back of Mackay when he was moving to the rail.

DECISION OF THE APPEAL PANEL

The majority of the Appeal Panel felt that the evidence on the video was clear that MacKay caused the interference by attempting to move down into a position when there was no room to do so. Thus, MacKay was responsible for the interference.

Therefore, the appeal of MacKay is denied.

For the Appeal Panel



Mitch Murphy
Director of Racing