

IN THE 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 18<sup>TH</sup> 2018, 1:00 P.M.

BETWEEN:

Brett Leblanc (2A1698)  
APHRC Licensee  
NS  
APPELLANT

AND:

Danny MacKinnon, Senior Judge  
Danny Dowie, Craig Mills,  
Associates, Judges' Panel Inverness Raceway,  
July 29<sup>th</sup>, 2018, Race #6  
RESPONDENT(S)

PRESENT:

A panel consisting of Chair Frank Balcom (NS), Commissioners, Keith Gowan (NL), Lowell Stead (PE), Blair Hansen (PE), David Lewis (NS), Cheryl Geldart Greer (NB), and Stefan DeCoursey (NB) convened to hear the appeal. Debbie Walsh and Paul Hogan appeared at the hearing for the Administration. Senior Judge Danny MacKinnon appeared on behalf of the Respondent(s). Appellant Brett LeBlanc appeared in person and was self-represented. Appellant and Respondent(s) were affirmed by Commissioner David Lewis.

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 introduced all those present and then asked both parties if they accepted the jurisdiction of the APHR Commission Appeal Panel of Seven (7) Commissioners; at least one member from each of the participating Provinces of the Commission, 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 Seven (7) 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 Danny MacKinnon making use of the HD video pan shot stated that when Mr. Leblanc moved back down to the inside, Mr. MacNeil had to check his horse. He also said that Mr. MacNeil would have gone down if he had not checked his horse.

END OF RESPONDENT'S SUBMISSION

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POSITION OF THE APPELLANT – APHRC DRIVER BRETT LEBLANC

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Mr. LeBlanc said that Mr. MacNeil's horse was making its second start with a hood and cups and that Mr. MacNeil is an older style of driver who grabs hold of his horse. He stated that when he crosses over he had plenty of room and that Mr. MacNeil's horse shies away similar to the start of the race going into the first turn when he broke stride. Mr. LeBlanc was of the opinion that both incidents were similar.

Mr. LeBlanc concluded that the horse he was driving does tend to run in and he kept him wide and had plenty of room when he crossed over to the inside.

END OF SUBMISSION OF APPELLANT APHRC LICENSEE APHRC DRIVER  
BRETT LEBLANC

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UNANIMOUS DECISION 6-0 OF THE ATLANTIC PROVINCES HARNESS  
RACING APPEAL PANEL OF SEVEN (7) COMMISSIONERS, CHAIR NOT  
VOTING.

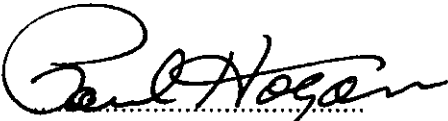

After a thorough Appeal Hearing, a review of evidence and post hearing deliberations, your APHR Commission by a unanimous decision of 6-0 finds as follows:

**The Appeal of BRETT LEBLANC is DENIED**

**Reason for Decision:**

1. Appeal Board members believed that Mr. MacNeil had to check his horse and did lose ground.



FRANK BALCOM

Chair

Atlantic Provinces Harness Racing Commission Appeal Panel of SEVEN (7),  
DATED AT KENSINGTON, PRINCE EDWARD ISLAND THIS 18<sup>TH</sup> DAY OF  
October, A.D., 2018.

PH/Kensington, PEI, 18/10/18

