

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 18TH 2018, 3:00 P.M.

BETWEEN: Daniel Romo (1221C5)
APHRC Licensee
NS
APPELLANT

AND: Roger DesRoches, Senior Judge
Kent Butler, Dylan Allain,
Associates, Judges' Panel CDPEC,
September 15th, 2018, Race #9
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 Roger DesRoches appeared on behalf of the Respondent(s). Appellant Danny Romo appeared in person and was self-represented. Appellant and Respondent(s) were affirmed by Commissioner David Lewis. Owner Jeff Skinner and his wife Melissa attended as observers.

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 Roger DesRoches stated that after race nine went official the afternoon on the afternoon card at CDPEC the Judges were notified by the race office that the starting fee for Bobjohnski had not been paid. He then notified Mr. Romo that the horse would be disqualified.

END OF RESPONDENT'S SUBMISSION

POSITION OF THE APPELLANT – APHRC DRIVER DANIEL ROMO

Mr. Romo maintained that his horse should have been scratched because someone had made a mistake by not paying the starting fee. He also wondered about some hypothetical situations that could have arisen with him having an ineligible horse in the race.

END OF SUBMISSION OF APPELLANT APHRC LICENSEE APHRC DRIVER DANIEL ROMO

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 DANIEL ROMO is DENIED

Reason for Decision:

1. Appeal Board members believed the horse was ineligible because the starting payment had not been paid.



FRANK BALCOM
Chair

Atlantic Provinces Harness Racing Commission Appeal Panel of SEVEN (7),



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DATED AT KENSINGTON, PRINCE EDWARD ISLAND THIS 18TH DAY OF
October, A.D., 2018.

PH/Kensington, PEI, 18/10/18

A handwritten signature or set of initials, possibly 'OK', written in black ink. The signature consists of a large, loopy 'O' followed by a vertical line and a diagonal stroke that crosses the top of the 'O'.