

**IN THE MATTER OF AN APPEAL UNDER THE ENABLING LEGISLATION OF THE
LEGISLATURES OF PRINCE EDWARD ISLAND, NOVA SCOTIA, AND NEW BRUNSWICK
ESTABLISHING AN MARITIME PROVINCES HARNESS RACING COMMISSION AND
UNDER THE RULES AND REGULATIONS OF THE MARITIME PROVINCES HARNESS
RACING COMMISSION**

Appeal Heard at Kensington, Prince Edward Island October 16, 2025

BETWEEN:

Gordon Hennessey
MPHRC Licensee 2134P0
APPELLANT

AND:

Dylan Allain
Senior Judge
MPHRC
Red Shores Charlottetown
Race 8, September 13, 2025
RESPONDENT

PRESENT

A Panel consisting of Commissioners Jacinta Campbell (Prince Edward Island), Dawn Hubbard (New Brunswick), Lowell Crowe (Nova Scotia), and Glen Rankin (Nova Scotia, Chair). Mr. Rankin chaired the meeting and did not vote. Ferdinand Maramag, Operations and Administration Coordinator, and Kyle Burton, Director of Racing appeared for the Commission Administration. Gordon Hennessey represented himself. Dylan Allain represented himself.

The Panel reviewed the Judge's ruling, the video replay of Race 8 from September 13, 2025, the Notice of Intent to Appeal, the Notice of Appeal, the race program, and the oral submissions of both parties.

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

The Chair introduced all present and confirmed with the parties their acceptance of the jurisdiction of the MPHRC 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 or conflicts of interest to declare. There being none, the Respondent was asked to proceed.



BACKGROUND

On September 13, 2025, in Race 8 at Red Shores Charlottetown Driving Park, the Judges cited the three-year-old pacing filly *HOWMAC MALEFICENT* (driven by Kenny Murphy), competing in the PEI Colt Stakes Gold Division for a purse of \$20,250, for interference under Rule 303(1) and 303(7). The Judges alleged that *HOWMAC MALEFICENT* crossed over entering the first turn without sufficient clearance, resulting in confusion among trailing horses.

The Judges ruled that the filly did not provide adequate room when dropping to the pylons and that her movement contributed to disrupted positioning among horses behind her, leading to her being placed. No driver penalty was issued, as the Judges determined the filly was unmanageable at the time of the incident under Rule 317.

Mr. Hennessey submitted both his Notice of Intent to Appeal and Notice of Appeal on September 20, 2025, asserting that *HOWMAC MALEFICENT* had sufficient clearance and did not cause the interference identified by the Judges.

APPLICABLE RULES

Rule 303(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.

Rule 303(7)

Take up or slow up in front of other horses to cause confusion or interference among the trailing horses.

Rule 317

In the case of interference, collision, or violation of any rule, the offending horse may be placed back one or more positions in that heat or dash, and in the event of such collisions, interference or violation preventing any horse from finishing the heat or dash, the offending horse may be disqualified from receiving any winnings and the driver may be fined or suspended. If a horse is set back, it must be placed behind the horse with which it interfered. If an offending horse has interfered with a horse involved in a dead heat and the offending horse is set back, it must be placed behind the horses in the dead heat.



POSITION OF THE RESPONDENT

Senior Judge Dylan Allain testified that the Judges determined *HOWMAC MALEFICENT* crossed over entering the first turn without ensuring adequate clearance. He stated that the movement of the leader contributed to confusion behind her as several trailing horses adjusted their positions abruptly. Mr. Allain explained that based on the pan angle and their live vantage point, the Judges believed the filly's crossover caused the chain reaction and that their placing reflected this assessment, though no driver penalty was issued due to their finding that the filly was unmanageable.

POSITION OF THE APPELLANT

Mr. Hennessey testified that *HOWMAC MALEFICENT* crossed over with full clearance and did not cause the interference cited by the Judges. He stated that he spoke with driver Kenny Murphy immediately after the race, who confirmed that he believed he had complete clearance when dropping to the pylons. Mr. Hennessey explained that, after reviewing the replay carefully from multiple angles, including the front-pan view, it was clear that the filly's crossover was smooth and did not force any trailing horse to shorten stride or alter position. He emphasized that any confusion or checking among the trailing horses originated behind the leader and could not be attributed to *HOWMAC MALEFICENT*.



DECISION OF THE APPEAL PANEL

After reviewing the full race replay and considering all testimony and submissions, the Panel unanimously determined that the interference decision was not supported by the video evidence.

The Panel found that *HOWMAC MALEFICENT* had sufficient clearance when crossing over entering the first turn. None of the available video angles demonstrated that the filly changed course abruptly or cut off a trailing horse in a manner that compelled another participant to shorten stride, lose ground, or alter course as described under Rule 303(1). The crossover appeared smooth, controlled, and safely executed.

The Panel further found that the confusion among trailing horses resulted from events occurring behind the leader, rather than from anything caused by *HOWMAC MALEFICENT*. No camera angle captured any moment in which the leader impeded another horse's progress or created unavoidable interference. The standard for placing a horse requires clear, convincing video evidence of an infraction, and this standard was not met.

Given the absence of such evidence, and based on the consensus among the Commissioners after reviewing the replay from all angles, the Panel concluded that the Judges' placing of *HOWMAC MALEFICENT* was not warranted. The Appeal is Allowed. The Judges' decision placing *HOWMAC MALEFICENT* is overturned. The original order of finish is reinstated.

For the Appeal Panel



Kyle Burton
Director of Racing

