

Disciplinary Committee Inquiry

The Disciplinary Committee of the GBGB were in attendance at a meeting held on 22 March 2011:-

Mr K Salmon (in the chair)
Mr R Woodworth
Mr J Akerman
*Dr A Higgins

(*denotes where Dr Higgins was present as Chair of DMAP)

1. *Wimbledon Stadium – DROOPYS ARSHAVIN – Professional Trainer Mr S Mason

Professional Trainer Mr Stuart Mason was found in breach of rules 49 (iv), 152 (i) and (ii), 174 (i)(a) and 217 in that a urine sample taken from the greyhound DROOPYS ARSHAVIN at Wimbledon Stadium on 3 August 2010 was analysed by HFL Sports Science Laboratory as containing the presence of cocaine and benzoylecgonine; and that he administered a substance that could affect the performance and/or well being of the greyhound; and did not use his best endeavours to ensure that the performance of the greyhound was to the satisfaction of the GRB.

At an early stage in this Inquiry Mr Mason engaged the services of a firm of solicitors to act on his behalf. The firm of solicitors indicated that he would be represented by Counsel at the hearing. The GBGB engaged the services of Mr Louis Weston of Counsel through law firm Charles Russell.

Mr Mason was in attendance and accompanied by his wife. Mr Gary Matthews, racing manager of Wimbledon Stadium, apologised for his non-attendance.

In opening the proceedings Mr Weston made reference to the following points:-

The GBGB accepts the burden of proving breach of those rules to the standard of the balance of probabilities.

The factual background to the allegation is this:

- a) Mr Mason is a licensed greyhound trainer and was on 3rd August 2010 the trainer of the greyhound DROOPYS ARSHAVIN.
- b) On 3rd August 2010 DROOPYS ARSHAVIN was a runner in the 5th race (678m Open Race) at Wimbledon Stadium off at 8.35 pm. The opening price on the greyhound was 4/1; the starting price was 5/1. The greyhound finished 5th.

- c) A pre-race random sample of urine was taken from the greyhound at 8.18 pm by GBGB Sampling Steward Michael Tasker. The sample was taken in the presence of Mr Mason who signed the form accompanying the sample.
- d) The sample was submitted to HFL Ltd. and was analysed on 5th August 2010. It tested positive for both cocaine and benzoylecgonine. Benzoylecgonine is a metabolite of cocaine.

The GBGB makes these submissions:

- a) DROOPYS ARSHAVIN ingested cocaine.
- b) Mr Mason as trainer for of the greyhound is responsible for that positive sample.
- c) The positive sample can only have occurred on his own account whilst the greyhound was under his care, and there is no explanation for the administration of cocaine to this greyhound other than to affect (adversely or positively) its performance.

The GBGB relies on this evidence.

As to the sampling procedure:

The procedure is as described in the statement of Mr Tasker. He states that he has been a sampling steward for in excess of 6 years. He describes the usual practice that he follows in relation to sample testing in his statement. There is no room in that sampling procedure for contamination from Mr Tasker or another greyhound. That is made beyond doubt by the fact that of the 21 samples Mr Tasker took that evening only 1 was positive.

Mr Mason signed for the test.

As to any suggestion of the urine sample being inadvertently contaminated with cocaine: Mr Maynard of HFL carried out more sensitive tests on the sample on 24th December 2010. Those tests revealed – cocaine, benzoylecgonine, hydroxycocaine, hydroxymethoxycocaine, the same result as was found on a sample from a greyhound which had ingested cocaine and dissimilar to a greyhound which had not ingested cocaine. Those latter two substances are metabolites of cocaine and are not known to be produced other than following a biological metabolic process - the substances in the urine came from the ingestion by the greyhound of cocaine.

The urine was also tested for its pH and it was found to have a mildly acidic pH 5. The relevance of which finding is that cocaine can convert to benzoylecgonine in urine with a pH > 8 – not this case.

The GBGB notes that; a sample of hair was taken for the purposes of examination by Mr Mason on 5th October 2010. The outcome of those tests suggests no cocaine can be shown to be ingested but uses assumptions and cut offs from human tests, further, that test was carried out 2 months after the positive sample in August 2010 – a period which Mr Points of LGC Ltd. observes would be sufficient for cocaine to be eliminated to below the cut-off point in humans. There is no basis to prefer this test to the tests conducted on a contemporaneous urine sample as described by Mr Maynard.

Further, the greyhound was found not to be positive for cocaine on 21st September 2010 and so there is no evidence of continuous exposure to cocaine. A point reinforced by the fact that on 8th June 2009 the greyhound had tested negative.

Mr Mason's case as appears from his statement of 7th October 2010 is that he has no explanation for the sample other than a possibility of contamination with an unspecified drug used to treat ADHD - No evidence of that has been supplied, it is speculation.

By his letter of 11th March 2011, Mr Mason repeats that insinuation and also casts aspersions on the integrity of the testing procedure.

It is submitted that the evidence points to the safe conclusion that this is not a case of contamination but of ingestion for which no innocent explanation can be put forward.

During the hearing, Mr Mason put forward a number of points which he believed could have possibly contributed to the ingestion of cocaine by the greyhound. These matters were examined in turn by Counsel. Mr Mason accepted that there was no basis for any of the possibilities put forward. He agreed with Counsel that he had control of and supervision of the greyhound at all times during the period in question.

Having considered his explanation together with the circumstances of the case, the Disciplinary Committee found Mr Mason in breach of rules 49 (iv), 152 (i) and (ii), 174 (i)(a) and 217 and ordered that he be severely reprimanded, fined £750 and ordered to pay £5,500 costs.

The Disciplinary Committee pointed out that in reaching their decisions the practice of some of the Sampling Stewards not wearing gloves when taking a urine sample from a greyhound had no bearing on the outcome of the case and was not a relevant factor. However, the Disciplinary Committee did consider that it was highly desirable that the recommendation of the Anti-Doping and Medication Control Review is followed. The recommendation states that all those persons collecting urine from greyhounds should wear disposable gloves on each and every occasion that a greyhound is sampled. This will have the effect of closing off what at best is a distraction and at worst a spurious line of defence. The Disciplinary Committee urged those taking urine samples from greyhounds to follow that recommendation as soon as possible.