

Disciplinary Committee Inquiries

The Disciplinary Committee of the GBGB were in attendance at a meeting held on 23 February 2012:-

Mr J Akerman (in the chair)

Mr R Coughlan

Mr A Hunt

Dr AJ Higgins*

*denotes where Dr Higgins was present in an advisory capacity as Independent Doping and Medication Adviser

1. Perry Barr Stadium – DROOPYS TEVEZ – Professional Trainer Mr IE Walker

The Disciplinary Committee considered the circumstances of the greyhound DROOPYS TEVEZ vomiting 1.1 kg of food and fluid after it had run in a BAGS race at Perry Barr Stadium at 1.58 pm on 20 December 2011. DROOPYS TEVEZ started at 4/1 (opened 7/2) and finished last of six, beaten 4¹/₄ lengths, after being crowded at the first bend and forced to check at the third bend.

Professional Trainer Mr Ian Walker was in attendance at the enquiry. Mr Martin Seal, Racing Manager at Perry Barr Stadium was also present.

Oral evidence was provided at the inquiry by Mr I Walker and Mr J Robinson.

The Committee received written evidence from Mr Seal, Mr Walker, as well as the Head Paddock Steward and the Paddock Steward at Perry Barr Stadium.

The Committee also received written and oral evidence from Dr Alex German MRCVS, of the University of Liverpool, who is recognised by the RCVS as a specialist in small animal internal medicine, and who has a special interest in companion animal gastroenterology.

On 20 December 2011 DROOPYS TEVEZ weighed 0.8 kg more than in his previous two races. The race in question was won at 5/1 by HIGHFIRE JACK, trained by Professional Trainer Miss S Ralph and owned by Mr RJ Thompson, who is also the owner of DROOPYS TEVEZ.

In a written statement the Betfair organisation stated that no unusual betting exchange patterns had been reported on DROOPYS TEVEZ OR HIGHFIRE JACK on the day in question. No unusual betting patterns had been reported on the race by any bookmaking organisations.

A greyhound trials session was conducted after the BAGS meeting, at which Mr Walker had one runner. Mr Walker stated that he left Perry Barr Stadium before the trials session ended.

The Committee heard from Mr Walker that he had travelled alone with the greyhound for part of the way to Perry Barr Stadium on 20 December 2011. He had collected a kennel hand en route from her home closer to the Stadium.

The Committee heard that the vomitus was discovered by a paddock steward approximately one hour after the race at around 3 pm. It appeared to resemble a mixture of digested and undigested 'all in one' type feed and fluid. By this time Mr Walker had left the Stadium with his greyhounds, which prevented a veterinary examination of DROOPYS TEVEZ following the finding of the vomitus.

The Committee was told by Mr Walker that DROOPYS TEVEZ had been given a main feed of 'Alpha Racer' and warm water at 6 pm on 19 December 2011. This time-point was at variance with the written kennel routine which stated that the last meal of the day was typically given at 3.30 pm. Mr Walker stated that the greyhounds were fed late on that particular day, as he was undertaking maintenance work at the kennels and had lost track of time. He said that the feed would have been prepared and soaked several hours earlier, usually around 10 a.m. Based upon this evidence, it was clear that the time between food ingestion and vomiting would be up to 20 hours and since soaking the dry feed up to 28 hours would have elapsed. Mr Walker said that his greyhounds were not fed breakfast prior to BAGS meetings.

Mr Walker stated that a number of the greyhounds in his care had been suffering with a 24 hour sickness bug around the time of the alleged incident, but he had not taken any dogs off the racing strength and had not treated the affected dogs with any medication. He explained that the affected dogs had not shown signs of gastro-intestinal disturbance (such as vomiting or diarrhoea) but had been 'off-colour' and sometimes did not eat their food. Mr Walker said that to the best of his recollection that all greyhounds (including DROOPYS TEVEZ) ate up on 19 December 2011.

The Committee noted the Trainer's weekly kennel returns dated 13 December 2011 and 20 December 2011, in which DROOPYS TEVEZ was declared fit to race on both returns.

Mr Walker also stated that DROOPYS TEVEZ weighed 35 kg on the morning of the race, so he was not given any breakfast in order to avoid the dog being withdrawn due to a weight variation. He had originally suggested a possible explanation that DROOPYS TEVEZ may have been sick in the night and then ingested his own vomit. However in his oral evidence he said that he now believed that a trial greyhound could have vomited in the kennel vacated by DROOPYS TEVEZ.

Mr Seal stated that, in his opinion, Mr Walker may have been running some of his dogs through a period of kennel sickness, and advised the Committee that a number of the dogs in Mr Walker's care had been required to have re-grading trials after poor performances.

In a letter dated 6 February 2012, Mr Walker stated that he had checked the kennel occupied by DROOPYS TEVEZ on 20 December 2011, prior to it being vacated, to ensure it was clean, and to avoid being fined by the stadium management. He stated that the kennel was clean when DROOPYS TEVEZ was removed from the kennel and there was no sign of any vomit.

Mr Walker also said that there had been a breach of kennel security at Perry Barr Stadium during a trials session after a BAGS meeting on 31 January 2012 (some six weeks following the incident) when a dog had been placed in the incorrect kennel at the track. This lapse in security was confirmed by Mr Seal who explained the circumstances and said such errors were extremely rare.

The Committee noted that the report of the local inquiry held on 10 January 2012 did not refer to the state of cleanliness of the kennel when DROOPYS TEVEZ was removed from it, nor whether Mr Walker had spoken of this at the Inquiry. Mr Walker said he believed he had mentioned this finding but neither Mr Robinson nor Mr Seal, who had both been present, could confirm whether or not this information had been given at the time.

The Committee was told by Mr Seal that it was extremely unlikely that another greyhound had, at any time on the day in question, occupied the kennel allocated to DROOPYS TEVEZ on 20 December 2011. He explained improvements in security which had been agreed with Mr Robinson, and which had been implemented before 20 December 2011. Moreover, there were relatively few trials after racing on the day in question, all racing dogs and trial dogs had been allocated individual kennels and there was no pressure on kennelling space.

In his evidence, Dr German stated that gastric emptying is typically a gradual process, and gastric emptying times can be highly variable amongst different dogs and different circumstances. He added that there is limited objective evidence regarding gastric emptying times in greyhounds. This makes it difficult to be definitive about what represents the maximum expected gastric emptying time in a typical normal dog. Dr German said that various factors can influence the speed of emptying, including particle size, water content, fat and fibre content, as well as 'physiological stress'. Added to that, a number of pathological processes can also affect gastric emptying times.

Dr German noted that, based upon the statements submitted, DROOPYS TEVEZ might have received his last main meal up to 23 hours prior to vomiting (20 hours if he was fed at 6 pm the previous day). By this time the canine stomach would usually have emptied, at least partially if not completely. He advised that dry (kibbled) foods become swollen on contact with water, and this could have had the effect of expanding the volume and weight of food recovered. In Dr German's opinion, the volume of vomitus could be equivalent to a main meal comprising dry food weighing between 550-850 g. He added that, if the food vomited was from the meal given the previous day, the associated retention time would be extremely unlikely on the balance of probabilities unless there was a gastric retention disorder (and there was no presented clinical evidence of this).

Dr German further advised that such a long retention time could be consistent with a pathological process although, in such circumstances, a persistent condition and other episodes of vomiting would be expected to occur over a longer period. No medical records had been presented to provide evidence that DROOPYS TEVEZ suffered from any such condition and there was no evidence that this greyhound had experienced any previous or subsequent gastrointestinal signs.

Dr German considered the possibility of DROOPYS TEVEZ ingesting his own vomit, and stated that even if this was the case, the gastric emptying time was still towards the upper limits of the normal range. He also stated that an outbreak of acute vomiting would be likely to result in multiple instances of a dog vomiting during the illness, and there was no evidence that this had been the case.

In reply to questions from the Committee, Dr German agreed that dry feed soaked over 24 hours prior to feeding would be unlikely to show intact kibbles and further disintegration would occur in the dog's stomach with or without any subsequent vomiting and re-ingestion. He confirmed that in his view the photograph of the vomit in the kennel at Perry Barr indicated the presence of intact or partly digested or dissolved kibbles.

The Committee considered the original explanation put forward by Mr Walker, that DROOPYS TEVEZ had consumed his own vomit the night before the race on 20 December 2011. The Committee considered this to be an unlikely explanation in the light of the expert advice and the absence of any evidence or witness statements to support this version of events.

The Committee also considered the possibility that a trial greyhound had vomited in the kennel allocated to DROOPYS TEVEZ, but was not persuaded that the vomit had been produced by any other greyhound.

The Committee concluded that in the light of expert evidence it was highly unlikely, given a greyhound's normal gastric emptying rate, for the quantity of vomitus produced by DROOPYS TEVEZ in the racing kennels post-race (1.1 kg) to have resulted from normal feeding some 20 or more hours before the race on 20 December 2011.

Having considered the facts of the case and the evidence provided, the Committee concluded, on the balance of probabilities, that the greyhound DROOPYS TEVEZ had been administered an excess quantity of food in close proximity to its race on 20 December 2011, for which no credible explanation had been provided by Mr Walker.

The Committee found Mr IE Walker in breach of Rules 49 (iv), 152(i) and (ii) and 174(i)(a), as the vomiting was found to be caused by unexplained greyhound feeding practices which could have affected DROOPYS TEVEZ's performance and/or well-being.

The Chairman stated that the rule breaches in this case were subject to the recently introduced Penalty Guidelines, Appendix VI of the Rules of Racing. The purpose of a penalty issued by the Disciplinary Committee was to:

- a) protect the welfare of the greyhound
- b) protect the integrity of greyhound racing
- c) maintain public confidence in the greyhound industry
- d) maintain proper standards of conduct of licensed persons or any combination of the above.

The Disciplinary Committee noted the absence of admission or acceptance of guilt by Mr Walker, but took into account the comment made by Mr Seal that Mr Walker is a valued member of the training ranks at Perry Barr Stadium. The Committee also took into consideration that Mr Walker was not present when the vomit was identified, and that he was not notified of the incident for some 48 hours after the discovery, due to operational pressures at Perry Barr Stadium at that time.

The Committee expressed serious concern for the welfare of the greyhound which had had to race on a full stomach and the impact of this case on the integrity of the sport. Taking into account the nature of the rule breaches in respect of the Greyhound DROOPYS TEVEZ at Perry Barr Stadium on 20 December 2011, the Committee ordered that Mr Walker be severely reprimanded and fined £1,500.

In addition Mr Walker was advised that he would be issued with an Advisory Notice, stating that if there was a repetition of rule breaches within the next 12 months, withdrawal of his licence for a 12 month period would be recommended to a future Disciplinary Committee. Mr Walker would also be at risk of a further penalty being imposed on him for any future offence. It was pointed out to Mr Walker that this Advisory Notice effectively imposed a 12 month probationary period.

2. *Kinsley Stadium – STOMPY PHIL – Greyhound Trainer Mr A Pearson

Greyhound Trainer Mr A Pearson was found in breach of rules 152 (i) and (ii), 174 (i)(a) and 217 of the GBGB rules of racing, in that a pre-trial urine sample taken from the greyhound STOMPY PHIL at Kinsley Stadium on 22 October 2011 was analysed by LGC Ltd as containing the presence of morphine.

Mr Pearson apologised for his non-attendance. Mr John Curran, Authorised Representative Kinsley Stadium, apologised for his non-attendance. The racing manager Mr A Mascarenhas also apologised for his non-attendance.

The greyhound STOMPY PHIL was having a requalification trial after being lame. In the opinion of Mr A Mascarenhas, the time of 28.90 was in line with what would have been expected

The Committee noted the 'Statement of Opinion' from the Drug and Medication Advisory Panel, in which morphine was noted as being a Class A drug having effects in pain control and central nervous system action. It does not have a veterinary marketing authorisation for use in dogs but can be prescribed by veterinary surgeons under the prescribing cascade.

The Disciplinary Committee heard that Mr Pearson was at a loss to explain how the positive sample had arisen. The dog was not on medication at the time of the positive sample and was not kennelled with another greyhound that was receiving medication. Mr Pearson said he had always fed stained meat and brown bread to greyhounds in his care as part of their diet, but had been assured by the bread supplier that the bread did not contain poppy seeds. Mr Pearson suggested a possible explanation that some of the meat could have been contaminated, but produced no evidence to support this supposition.

Mr Pearson stated that he had been treating STOMPY PHIL for a wrist injury five weeks prior to the trial with rubbing oils and liniments. The Committee noted that the injury had subsequently caused the greyhound to be retired after his first race back after the trial in question.

Mr Pearson stated in his written evidence that, since being notified of the positive sample, he had stopped feeding stained meat and brown bread to the greyhounds in his care, and also now uses named feed that has ingredients printed on the bag.

The Disciplinary Committee pointed out that the GBGB Rules of Racing impose strict liability on the Trainer. Having considered the circumstances of the case and the presence of a banned Class A drug in the dog's urine for which no explanation could be produced, the Committee ordered that Mr Pearson be severely reprimanded and fined the sum of £600. In fixing the penalty the Committee took into account the following mitigating factors:

- i. that Mr Pearson had taken prompt action to change his greyhound feeding regime in case this was a cause of contamination;
- ii. that there had been no previous breaches recorded against him; and
- iii. a letter of support provided by Mr John Curran, Authorised Representative of Kinsley Stadium.

The Disciplinary Committee recorded that under the new Penalty Guidelines the severe reprimand should be treated as being of equal importance to the fine, and that any further breaches may result in a more severe penalty, which could include the loss of Mr Pearson's licence.

3. Greyhound Trainer Mr Jeffery Scott

Mr Scott was in attendance, accompanied by greyhound trainer, Ms Christine Parker.

Investigating Officer Mr Clive Carr was in attendance at the enquiry together with Area Stipendiary Steward, Mr Eric Vose.

Mr John Curran, Authorised Representative Kinsley Stadium, apologised for his non attendance.

At Kingston-upon-Hull Crown Court on 3 June 2011, Mr Jeffery Scott was convicted of producing cannabis and possessing a controlled drug with intent to supply. He was sentenced to a community

service order and additionally ordered to carry out 150 hours of unpaid community work. It was stated in Court that he had no previous convictions.

On 22 December 2011 Mr Scott again appeared before Kingston-upon-Hull Crown Court to answer an application made by the Crown Prosecution Service under the Proceedings of Crime Act 2002. He was ordered to pay a specified sum within six months of 22 December 2011, or in default serve a custodial sentence of 9 months imprisonment. At the date of the Hearing the payment had not been made and the possibility of imprisonment remained.

A criminal conviction is a breach of the GBGB Rules of Racing, in particular a breach of Rule 152 (ii), as it is an indication of activity that is prejudicial to the integrity or good reputation of GBGB regulated greyhound racing.

The Disciplinary Committee received evidence that cannabis was grown on the same site as the kennel location, but not within the kennel buildings. The Committee considered that the cultivation of drugs in close proximity to the kennels carried a risk of contamination to the greyhounds in his care. Investigating Officer, Mr Clive Carr, confirmed that the cannabis had not been grown on licensed premises.

Mr Scott explained the difficult financial circumstances that had led to his conviction. He said that he had not yet paid off the outstanding fine but was determined to do so in order to avoid a prison term. He was confident that he could raise the necessary funds before the deadline of June 2012.

Mr Scott was accompanied at the Hearing by greyhound trainer Ms Christine Parker, who provided a strong character reference and said that in her view it would be highly unlikely that Mr Scott would reoffend.

The Committee took into account that this was Mr Scott's only criminal conviction. However, the offence was such that a community sentence was imposed. The Committee also took into consideration a number of character references, including a letter of support provided by Mr John Curran, Authorised Representative of Kinsley Stadium, which was based on Mr Scott's rehabilitation.

Mr Scott provided the Committee with an assurance that he was committed to rehabilitation, and would not repeat the mistakes that had led to his conviction. He had 10 racing greyhounds on his strength at present. Area Stipendiary Steward, Mr Eric Vose, commented that the dogs in Mr Scott's care appeared well looked after and there had been no welfare concerns regarding dogs in Mr Scott's care.

Taking into account the circumstances of the case and the facts of the conviction, the Disciplinary Committee considered that Mr Scott's actions had seriously jeopardised the reputation of licensed greyhound racing. The Committee ordered that Mr Scott's licence be withdrawn indefinitely from the date of the Disciplinary Committee hearing until the specified payment into Court had been fully discharged, when Mr Scott could re-apply for his licence.

The Committee also ordered that if Mr Scott's licence was subsequently reinstated, this should be subject to a 12 month probationary period, during which time any further breaches of the rules of racing may result in his licence being withdrawn for a further period.

The Disciplinary Committee requested that Mr Gibson remain in contact with Mr Scott to ensure that the welfare of the greyhounds in his care was not jeopardised in the intervening period.