

**Disciplinary Committee Inquiries**

The Disciplinary Committee of the GBGB were in attendance at a meeting held on 10 December 2013:-

Mr J Akerman (in the chair)

Mr R Coughlan

Mr R Woodworth CBE

Dr AJ Higgins\*

(\*denotes where Dr Higgins was present in an advisory capacity as Independent Doping & Medication Adviser)

**1. \*Mildenhall Stadium –ARD VARK – Professional Trainer Mr A Dale**

Professional Trainer Albert Dale was found in breach of rules 152(i) and (ii), 174(i)(a), 214 and 217 of the GBGB Rules of Racing in that a urine sample taken from the greyhound ARD VARK at Mildenhall Stadium on 6 August 2013 was analysed by LGC Health Sciences as containing the presence of theophylline, caffeine and paracetamol; and that he allowed a substance to be administered that could affect the performance and/or well being of the greyhound.

In the S3 graded race in question ARD VARK recorded a calculated time of 34.10 secs and won by 71/4 lengths at evens favourite (opened 4/5) having led at the first bend in a trouble free race.

Mr Albert Dale had apologised for his non-attendance at the inquiry. His kennelhand Shane Dale, who had represented Mr Dale at the local inquiry, also gave his apologies for non-attendance, as did Michael Hill, racing manager of Mildenhall Stadium. Adrian Smith, area stipendiary steward, was in attendance.

The Committee received evidence from Dr Higgins who stated that caffeine and theophylline are methylated derivatives of xanthine. He advised that caffeine was a stimulant of the heart and central nervous system and theophylline was a prescription only medicine that is a cardiac stimulant and a smooth muscle relaxant. He said that in his opinion the identification of caffeine and theophylline (together with the metabolites theobromine and paraxanthine at concentrations below their reporting levels), could indicate that caffeine or a preparation containing caffeine may have been a possible source of these drugs. He confirmed that ingestion of tea and coffee by a greyhound could lead to the presence of these methylxanthines in the urine.

In his written statement Dr Higgins noted that paracetamol is an oral analgesic (pain killer) and antipyretic (reduces fever). He added that there is one preparation in the UK containing paracetamol licensed for use in dogs for pain relief, namely Pardale-V, which also contains codeine. This may be supplied by a veterinarian, pharmacist or suitably qualified person.

In his oral evidence Dr Higgins said that if Pardale-V had been given to a dog he would have expected to see some signs of codeine in the urine. Mr Smith noted that some over the counter medications for humans may contain a combination of caffeine and paracetamol. In answer to a question from the Committee Dr Higgins indicated that caffeine and/or theophylline and/or paracetamol could be administered with the intention of modifying a greyhound's performance.

In a letter to the Director of Regulation, Shane Dale offered the explanation that tea dregs could have been tipped into the greyhound's prepared breakfast by family members in and around the kennels. Mr Dale added that his grandfather, who is the licence holder, does not see tea as a drug so did not believe he was doing anything wrong. The Committee questioned the credibility of this statement bearing in mind the length of time that the family had been involved in greyhound racing, during which time they should have been fully aware of the issues surrounding inappropriate feeding of greyhounds from reminders in the GBGB Calendar. No explanation for the presence of paracetamol in the greyhound's system was offered by Shane Dale other than to speculate that medication intended for humans may have been ingested by the greyhound by accident.

In his written evidence Shane Dale stated that since the incident he has reiterated the importance of giving only planned feed to the greyhounds, and that the family are reviewing the licence holder arrangements as the current licence holder, Albert Dale, no longer lives at the kennels, which are run on a day to day basis by Shane Dale and his father and uncle.

The Committee were concerned that a stimulant had been administered to ARD VARK which was likely to have influenced the performance of the greyhound, and for which no credible explanation had been provided. Further, Mr Albert Dale had not been represented at the inquiry to enable the Committee's questions to be answered. The Committee considered it improbable that this was an accidental administration, but in any event the rules of racing are clear and reminders have been given to trainers regarding the issues with inappropriate feeding of greyhounds including tea and coffee.

Having considered the circumstances of the case and the presence of banned substances in the greyhound's urine the Committee gave consideration to the withdrawal of Mr Albert Dale's licence, but taking into account his previous good record ordered that he be severely reprimanded and fined the sum of £1,000.

## **2. \*Coventry Stadium – YAROBI – Professional Trainer Mr L Magnasco**

Professional Trainer Luciano Magnasco was found in breach of rules 174(i)(b) and 217 of the GBGB Rules of Racing in that a post-trial urine sample taken from the greyhound YAROBI at Coventry Stadium on 20 August 2013 was analysed by LGC Health Sciences as containing the presence of 6 $\alpha$ -hydroxystanozolol, a metabolite of stanozolol.

Mr Magnasco had apologised in advance for his non-attendance at the inquiry and had given reasons which were accepted by the Committee. Adrian Smith, area stipendiary steward, was present together with Simon Biddle, Senior Scientist at LGC Health Sciences. Andrew Lisemore, racing manager of Coventry Stadium, apologised for his non-attendance.

The Disciplinary Committee noted the opinion of Dr Andrew Higgins (Independent Doping and Medication Adviser) that stanozolol is an androgenic anabolic steroid used as a derivative of testosterone. Inter alia it promotes build up of protein and increases erythropoietin production. Stanozolol has been widely abused as a performance enhancing drug and is banned from use in most human and animal sports competition. It is available as tablets for daily oral administration or as a longer acting aqueous suspension for injection. Dr Higgins added that stanozolol is a class C drug with no licensed veterinary formulation in the UK or Ireland.

The Committee received evidence that the point of registration sample taken from the greyhound YAROBI on 13 August 2013 had tested positive for the same metabolite of stanozolol.

In answer to a question from the Committee, Mr Biddle commented that the scientific evidence indicated that the positive sample on 20 August 2013 could have come from the same administration of stanozolol that was present in the POR sample taken on 13 August.

The Committee heard that the greyhound YAROBI arrived in Mr Magnasco's kennels on 7 August 2013 having been bought on his behalf in Ireland by Brendan Rogers of Clonmel, Co Tipperary who is known to be the Secretary and a Director of Clonmel Greyhound Racecourse. As the greyhound was then an unraced pup Mr Magnasco did not give a thought to it not being "clean", and had co-operated with the greyhound being sample tested during a certification racecourse inspection at Coventry Stadium on 20 August 2013.

Upon hearing of the positive test result Mr Rogers stated in his written evidence that he contacted the previous owner, Mr Liam McLaughlin of Co Tipperary, who had the greyhound in his care for approximately six weeks. Mr McLaughlin said to Mr Rogers that he did not give the greyhound a prohibited substance.

The Committee received written evidence from Jim Snowden, Investigating Officer, in which he referred to subsequent telephone conversations that he had with Messrs Rogers and McLaughlin. Mr Rogers told Mr Snowden that Mr McLaughlin had admitted to administering stanozolol to the greyhound YAROBI. Mr Snowden subsequently contacted Mr McLaughlin to seek confirmation of this admission, and while Mr McLaughlin confirmed that he had the greyhound in his charge for 4-6 weeks he did not admit to administering the drug and was unwilling to provide a written statement.

The Disciplinary Committee heard no evidence to indicate that stanozolol had been administered to the greyhound YAROBI while it was in Mr Magnasco's care. The Committee was satisfied, on the balance of probabilities, that stanozolol was administered in Ireland prior to Mr Magnasco acquiring the greyhound. However, whilst this was a young unraced greyhound it appeared that neither Mr Magnasco nor his agent had made any enquiries to assure themselves that the greyhound was free of prohibited substances prior to its acquisition. In mitigation Mr Magnasco had bought greyhounds through Mr Rogers previously without issues arising, and would now have in his charge a greyhound that would be unable to race until a negative sample was provided through an elective test.

The GBGB Rules of Racing impose strict liability on the trainer, and the Disciplinary Committee found Mr Magnasco in breach of the rules in that he had in his charge a greyhound that tested positive for a banned substance. However the scientific evidence indicated that Mr Magnasco was not responsible for the administration of stanozolol. In the circumstances of the case the Committee ordered that no further action be taken.

### **3. \*Swindon Stadium – FAWN LEMON – Professional Trainer Mrs G Hepden**

Professional Trainer Ghislaine Hepden was found in breach of rules 174(i)(b) and 217 of the GBGB Rules of Racing in that a pre-race urine sample taken from the greyhound FAWN LEMON at Swindon Stadium on 18 September 2013 was analysed by LGC Health Sciences as containing the presence of 6 $\alpha$ -hydroxystanozolol, a metabolite of stanozolol.

Mrs Hepden was in attendance at the inquiry accompanied by her husband Alan Hepden. Colin Betteridge, area stipendiary steward, was also present together with Simon Biddle, Senior Scientist at LGC Health Sciences and Dave Stow, racing manager of Swindon Stadium.

The Disciplinary Committee noted the opinion of Dr Andrew Higgins (Independent Doping and Medication Adviser) that stanozolol is an androgenic anabolic steroid used as a derivative of testosterone. Inter alia it promotes build up of protein and increases erythropoietin production. Stanozolol has been widely abused as a performance enhancing drug and is banned from use in most human and animal sports competition. It is available as tablets for daily oral administration or as a longer acting aqueous suspension for injection. He added that stanozolol was not an oestrus suppressant.

The Committee heard that it is widely known that stanozolol may have a protracted excretion rate, and for the metabolites to be detectable for an extended period following administration. Under rule 217 of the GBGB Rules of Racing it is the trainer's responsibility to ensure that a greyhound is free from any substance when taking part in a race or trial.

The Committee received evidence that the point of registration sample taken from FAWN LEMON on 5 June 2013 had tested positive for the same metabolite of stanozolol. An elective test taken on 31 October 2013 also tested positive.

It was drawn to the Committee's attention that there was an anomaly in the documented date of delivery of the POR sample to HFL Sport Science. This was thought likely to have arisen from a data input error. The Committee received an assurance from Mr Biddle that even in the unlikely event of a delay in delivery of the POR sample to the laboratory, the metabolite of stanozolol would still have been identified in the sample.

In response to a question from the Committee, Mr Biddle expressed the view that there was currently insufficient scientific data to be categorical regarding excretion times for stanozolol in greyhounds. The Committee noted that this left open the possibility that the positive test result for FAWN LEMON from the sample taken on 18 September 2013 had arisen from the same administration of the drug as that detected at the point of registration sample was taken on 5 June 2013. A further administration of stanozolol after 5 June 2013 was also possible.

The Committee heard that FAWN LEMON and three other greyhounds had arrived in Mrs Hepden's kennels on 1 May 2013 having been acquired from a Mr John Duggan from Farmers Cross, Co Cork. The greyhounds had been kept at the kennels of former licensed trainer Ian Wills in Oxford who had

been a prospective purchaser. When the sale fell through Mrs Hepden had acquired the greyhounds at short notice. In her written evidence Mrs Hepden commented on their poor condition when they arrived at her kennels. In her oral evidence Mrs Hepden said that greyhounds that arrived directly from Mr Duggan on other occasions were generally in good condition.

In her written statement Mrs Hepden said that she had asked Mr Wills, at the time of delivery, if any of the greyhound bitches had been given anything to suppress their season, to be told this was not the case. Mrs Hepden stated that she had not administered any drugs to the greyhound FAWN LEMON and that she believed the drug was in the greyhound's system before it arrived in her kennels.

The Committee received evidence from Colin Betteridge, area stipendiary steward who referred to a conversation with Mr Duggan who told Mr Betteridge that he had not administered anything to the greyhound FAWN LEMON while it was in his charge. Mr Betteridge had tried to contact Mr Wills by telephone and text without success. He had also written to Mr Wills to question whether Mr Wills had administered any medication or oestrus suppressant to FAWN LEMON while it was in his charge. No reply had been received. The Committee was also told that Investigating Officer Jim Snowden had visited Mr Wills' kennels on two occasions but there was no response on either occasion.

In conclusion the Disciplinary Committee heard no evidence to indicate that stanozolol had been administered to the greyhound FAWN LEMON while it was in Mrs Hepden's care. Having arrived from Ireland, FAWN LEMON had been in the charge of a former licensed trainer for 6-8 weeks and despite the efforts of the investigating officer and area stipendiary steward it had not proved possible to obtain a statement from him. Further, the scientific evidence indicated that the race sample and POR sample could have come from the same administration of stanozolol. The Committee was therefore satisfied, on the balance of probabilities, that stanozolol was administered to FAWN LEMON prior to Mrs Hepden acquiring the greyhound.

The GBGB Rules of Racing impose strict liability on the trainer, and the Disciplinary Committee found Mrs Hepden in breach of the rules in that she had in her charge a greyhound that tested positive for a banned substance. However the Committee found Mrs Hepden to be a credible witness and considered her to be an innocent party as she had acquired the greyhound at short notice and had taken reasonable steps to assure herself that it was free from prohibited substances. Further, Mrs Hepden and the owners of the greyhound FAWN LEMON would now have a greyhound that would be unable to race until a negative sample was provided through a series of elective tests. In all the circumstances of the case and taking into account Mrs Hepden's good record the Committee determined to take no further action.

#### **4. Crayford Stadium – LAURAGH IMPACT**

Registered Owner Mathew Condon was found in breach of rules 69A and 152 (i) of the GBGB Rules of Racing following the circumstances which led to the withdrawal of the greyhound LAURAGH IMPACT at Crayford Stadium on 13 August 2013. Professional Trainer Arun Green was considered not to be in breach of the rules.

Lorraine Sams, area stipendiary steward, was present at the inquiry. Professional Trainer Arun Green and Registered Owner Matthew Condon participated via telephone conference link. Danny Rayment, racing manager at Crayford Stadium, apologised for his non-attendance.

The local inquiry held on 28 September 2013 had resulted from an incident at Mr Green's kennels on 13 August 2013, when Mr Condon, the owner of the greyhound in question, had by his own admission removed LAURAGH IMPACT and one other greyhound from Mr Green's kennels despite being advised by Mr Green that LAURAGH IMPACT was due to race at Crayford Stadium that afternoon.

The Committee heard evidence from the local inquiry, that Mr Condon had admitted a breach of Rule 69A. The local inquiry had been unable to reach a conclusion as a result of Mr Condon not being prepared to accept the judgement of the area stipendiary steward due to personal differences with Mr Green, and indicating that he wished the matter to be referred to the GRB Disciplinary Committee.

The written statements of Messrs Green and Condon presented differing views of the atmosphere prevailing when two greyhounds in Mr Condon's ownership were removed. Mr Green stated that Mr Condon was "confrontational", and in her written evidence the assistant racing manager, Miss J Rufus, stated that Mr Green had indicated, when reporting the withdrawal of the greyhound, that it was probably safer not to confront Mr Condon. Mr Green stated in his written evidence that he felt he had no choice but to let Mr Condon leave with the two greyhounds.

Mr Condon, in his written statement, said that he did not know that LAURAGH IMPACT was due to race on 13 August 2013 until he arrived at Mr Green's kennels at around 9am on that day to remove the two greyhounds. He had arranged to take the greyhounds to a new trainer, and stated that had he known that LAURAGH IMPACT was due to race he would have waited for one more day. Mr Condon denied acting in a confrontational manner. In his oral evidence, Mr Condon said that he was angry during the encounter with Mr Green at his kennels. Mr Condon also said that he had acted on the spur of the moment, however the Committee was not convinced that this had been the case.

Mr Condon also stated in his written evidence that he had been willing to accept the decision of the area stipendiary steward at the local inquiry on 28 September 2013, but had not done so because of the way that Mr Green had spoken to him, and what he considered to be lies in Mr Green's statement. In his oral evidence, Mr Condon said that he regretted escalating the matter to the Disciplinary Committee.

It was clear from the written statements of Mr Green and Miss Rufus, that Mr Green felt compelled to withdraw the greyhound consequent upon the actions of the owner. It was equally clear that this was not a case of an authorised withdrawal within rule 69A of the GBGB Rules of Racing as the greyhound was fit to race and the conditions of rule 69A(b) relating to the withdrawal of greyhounds from any race had not been met.

The Committee concluded that Mr Condon was responsible for the unauthorised withdrawal of the greyhound LAURAGH IMPACT as he had been made aware by Mr Green on the day in question that there would be consequences from the withdrawal of the greyhound from its race.

The Committee ordered that Matthew Condon be cautioned and fined £300. The fine in part reflected the view of the Committee that the case had unnecessarily been referred to them as a result of Mr Condon not accepting the judgement and authority of the area stipendiary steward. The Committee took into account Mr Condon's admission of the breaches and his expression of regret.

The Committee found no breaches of the rules by Professional Trainer Arun Green, as he had warned Mr Condon that there would be consequences from withdrawing the greyhound from the race. The Committee considered that Mr Green had been placed in an untenable position by the actions of Mr Condon.