

Disciplinary Committee Inquiries

The Disciplinary Committee of the GBGB were in attendance at a meeting held on 19 September 2013:

Mr K Salmon (in the chair)

Mr J Akerman

Mr A Hunt

Dr AJ Higgins*

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

1. *Wimbledon Stadium – PRECIOUS SCRIPT – Professional Trainer Mr P Donovan

Professional Trainer Paul Donovan was found in breach of rules 174 (i)(b) and 217 of the GBGB Rules of Racing in that a urine sample taken from the greyhound PRECIOUS SCRIPT at Wimbledon Stadium on 19 March 2013 was analysed by LGC Health Sciences as containing the presence of cyclizine, a substance that could affect the performance and/or wellbeing of the greyhound.

Mr Donovan was in attendance as was Colin Betteridge, area stipendiary steward. Gary Matthews, racing manager of Wimbledon Stadium, apologised for his non-attendance.

The Disciplinary Committee noted the opinion of Dr Andrew Higgins (Independent Doping and Medication Adviser) that cyclizine is a sedating antihistamine used in humans to treat, inter alia, nausea, vomiting, some balance disorders and motion sickness. It may cause drowsiness in greyhounds and could therefore affect the performance of a greyhound.

Mr Donovan stated, in his written evidence, that neither he nor any of his staff had administered cyclizine to PRECIOUS SCRIPT. He added that the greyhound had recently returned from injury, and that its rehabilitation to full racing fitness was in the early stages. Mr Donovan was unable to provide an explanation as to how the substance entered the greyhound's system.

The Disciplinary Committee was unable to say on a balance of probabilities that Mr Donovan deliberately administered cyclizine to the greyhound PRECIOUS SCRIPT, however the greyhound was in his charge. In those circumstances the GBGB Rules of Racing impose strict liability on the trainer. The Disciplinary Committee noted that Mr Donovan had now tightened security particularly when transferring greyhounds from his transport to the track kennels.

In all the circumstances of the case, the Disciplinary Committee ordered that Mr Donovan be cautioned and fined £200.

2. *Wimbledon Stadium – SILVERVIEW SPOTT – Professional Trainer Mrs T Tungatt

Professional Trainer Toni Tungatt was found in breach of rules 174 (i)(b) and 217 of the GBGB Rules of Racing in that a urine sample taken from the greyhound SILVERVIEW SPOTT at Wimbledon Stadium on 1 June 2013 was analysed by LGC Health Sciences as containing the presence of di-hydroxylated metabolites of stanozolol.

Mrs Tungatt was in attendance and was accompanied by her husband. Colin Betteridge, area stipendiary steward, was also present. Gary Matthews, racing manager of Wimbledon Stadium, apologised for his non-attendance.

The race in question was a first round heat of the Greyhound Derby, in which SILVERVIEW SPOTT finished last, beaten 7¾ lengths, at 20/1. Mr Matthews stated in writing that he had no reason to question the performance of the greyhound.

The Disciplinary Committee noted the opinion of Dr Andrew Higgins (Independent Doping and Medication Adviser) that stanozolol is an androgenic anabolic steroid with a well-documented history of abuse in sport. It is a derivative of testosterone that, inter alia, promotes build-up of protein and increases erythropoietin production. Stanozolol 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 in which case it may linger in the dog's system for several weeks. There is no licensed veterinary preparation of stanozolol available in the UK or Ireland.

The greyhound SILVERVIEW SPOTT had been in Mrs Tungatt's kennel since January 2011. Mrs Tungatt stated that the greyhound had been bred in Ireland and reared at her kennels, and had never been on any medication.

In her written statement Mrs Tungatt indicated that, in her opinion, the positive sample could only have arisen through the food chain. However, Mrs Tungatt had not produced any evidence to support this explanation. She denied that the stanozolol had been administered deliberately in order to enhance the greyhound's performance.

Mrs Tungatt submitted in evidence an email from one Mr W. B. Cartmell of Wickham Laboratories, Gosport, Hampshire, who described himself as a veterinary surgeon, and produced a report on her behalf on the circumstances and findings of the case. The Committee determined that Mr Cartmell's testimony was inadmissible as he was no longer registered by the RCVS as a veterinary surgeon and had given the RCVS an undertaking not to accept instructions to act as an expert witness in litigation.

The Committee received evidence from Mr John Points (Operations Manager at LGC's laboratory) in which he stated that LGC have never detected stanozolol residues in any meat or other food-animal tissue or urine sample that they have tested.

The Disciplinary Committee was unable to say on a balance of probabilities that Mrs Tungatt deliberately administered stanozolol to the greyhound SILVERVIEW SPOTT. Nonetheless, the GBGB Rules of Racing impose strict liability on the trainer. The Committee considered the aggravating

features of this case and were concerned that this was Mrs Tungatt's fourth drug related breach of the rules and that the most recent breach was dealt with at an Inquiry on 14 October 2010. Furthermore, that Inquiry had involved a potent short-acting anabolic steroid, ethylestrenol.

In all the circumstances, the Disciplinary Committee ordered that Mrs Tungatt be severely reprimanded and fined £1,000.

3. Former Registered Sales Agent Mr W O'Donoghue – STAY FOR RUBY

Former registered sales agent William O'Donoghue was found in breach of rules 152 (i) and (ii), 174 (i)(b) and 174 (xiv) (b) of the GBGB Rules of Racing in that he breached the conditions upon which the Disciplinary Committee agreed to lift his disqualification in June 2011.

Mr O'Donoghue was in attendance. Lorraine Sams and Alex McTaggart, area stipendiary stewards, were also present.

On 16 June 2011 Mr O'Donoghue applied to the Disciplinary Committee to have a disqualification imposed in 2007 lifted. The Disciplinary Committee allowed that application on condition that Mr O'Donoghue:

- (a) sold only his own greyhounds, and
- (b) took all reasonable steps to ensure his greyhounds were free of prohibited substances.

The undisputed evidence showed that, on 15 October 2012, Mr O'Donoghue sold a greyhound STAY FOR RUBY at Perry Barr sales trials. By his own admission he did not own that greyhound but was acting as agent for Mr John Mulcahy and had collected the dog three days earlier on 12 October 2012

On 5 January 2013 STAY FOR RUBY was sampled at Newcastle Stadium. That sample subsequently tested positive for metabolites of stanozolol. When the Point of Registration sample taken on 23 October 2012 was tested that too tested positive for metabolites of stanozolol. The positive sample had been dealt with by the Disciplinary Committee at its meeting on 16 April 2013.

On 9 March 2013 Alex McTaggart, area stipendiary steward, asked Mr O'Donoghue to provide a statement setting out his involvement in the above matters. Despite promising to do so Mr O'Donoghue had never provided any such statement.

Mr O'Donoghue accepted that he sold a greyhound he did not own in breach of the conditions upon which his licence was returned. The only step he took to ensure that the greyhound was free of prohibited substances was to trust the word of Mr Mulcahy. The Disciplinary Committee did not consider that to be taking "all reasonable steps" and consider that by this action Mr O'Donoghue breached a fundamental condition in the lifting of his disqualification. On that basis they found him in breach of rules 152 (i) & (ii).

The Disciplinary Committee considered it likely that the greyhound had stanozolol in its system whilst in Mr O'Donoghue's charge. The Committee accepted that Mr O'Donoghue did not administer stanozolol, nonetheless he was clearly in breach of rule 174 (i)(b).

The Disciplinary Committee found that his failure to provide a statement to Mr McTaggart when required to do so amounts to a clear breach of rule 174 (xiv)(b).

Mr O'Donoghue had seven drug related breaches of the Rules of Racing. Most recently on 18 October 2012 he received a 12 month disqualification suspended for 12 months. Although he was technically not in breach of that suspended order, those breaches having occurred before the imposition of that penalty, the Disciplinary Committee had no doubt that they would not have been so lenient had they known of the breaches of the conditions upon which his disqualification was revoked.

The Disciplinary Committee pointed out that the conditions were intended to protect Mr O'Donoghue, but he had wilfully and knowingly breached those conditions and had an appalling record over a long period of time. The Committee had no confidence that were he to retain his licence he would comply with the rules, indeed judging by his record they feared he would not.

In all the circumstances of the case, the Disciplinary Committee felt that there was no alternative but to order that Mr O'Donoghue be disqualified indefinitely with immediate effect.

4. *Kinsley Stadium – DRUMCOVE ESCALA – Professional Trainer Mr R Garth

Professional Trainer Richard Garth was found in breach of rules 174 (i)(b) and 217 of the GBGB Rules of Racing in that a urine sample taken from the greyhound DRUMCOVE ESCALA at Kinsley Stadium on 22 June 2013 was analysed by LGC Health Sciences as containing the presence of stanozolol metabolites (6 α -hydroxy stanozolol and di-hydroxylated metabolites).

Mr Garth apologised for his non-attendance as did Andrew Mascarenhas, racing manager of Kinsley Stadium and Eric Vose, area stipendiary steward.

The Disciplinary Committee noted the opinion of Dr Andrew Higgins (Independent Doping and Medication Adviser) that stanozolol is an androgenic anabolic steroid with a well-documented history of abuse in sport. It is a derivative of testosterone that, inter alia, promotes build-up of protein and increases erythropoietin production. Stanozolol 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 in which case it may linger in the dog's system for several weeks. There is no licensed veterinary preparation of stanozolol available in the UK or Ireland.

The Disciplinary Committee noted that the Point of Registration sample taken from DRUMCOVE ESCALA on 12 May 2013 had tested positive for the same metabolites of stanozolol as taken from the race sample taken on 22 June 2013. The elective test taken on 26 July 2013 returned negative results

The Committee also noted the statements from Mr Garth and his assistant trainer Kevin Seville as to the circumstances in which they acquired this greyhound from Ireland. The greyhound DRUMCOVE ESCALA was bought by Mr Garth's Assistant Trainer, Kevin Seville, from a Mr Seamus Boyce of Co. Donegal. Mr Seville stated that he asked Mr Boyce, before buying the greyhound, whether she had been suppressed or had other medication administered, and reported that he had been told that Mr Boyce had not administered any medication to the greyhound. Mr Boyce stated that he had purchased the greyhound from a third party in early February 2013 and that he in turn was unaware of any medication that may have been administered by its previous owner.

The Disciplinary Committee was satisfied that Mr Garth and Mr Seville had made reasonable enquiries to ensure that this greyhound was free from prohibited substances. They concluded on the balance of probabilities that stanozolol was administered in Ireland before the greyhound came into Mr Garth's charge, without his knowledge. However the greyhound was in his charge and the GBGB Rules of Racing impose strict liability on the trainer. In all the circumstances of the case, the Disciplinary Committee ordered that Mr Garth be cautioned.