

### Disciplinary Committee Inquiries

The Disciplinary Committee of the GBGB were in attendance at a meeting held on 24 January 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. Peterborough Stadium – Unauthorised Withdrawals**

Professional Trainer Maurice Rice was found in breach of rules 69A and 152(i) and (ii) of the GBGB Rules of Racing, in that he had withdrawn six greyhounds without authorisation from the evening BAGS meeting at Peterborough Stadium on 16 November 2012.

Mr Rice was in attendance, accompanied by his representative Mr Steven Jones. Also in attendance were Richard Perkins, Chief Executive of Peterborough Stadium, Con Baker, authorised representative, and Adrian Smith, area stipendiary steward.

The Committee heard evidence that Mr Rice had withdrawn six greyhounds on 16 November 2012 without informing the stewards. This resulted in a number of races at this BAGS meeting being reduced to five runners.

The Committee received evidence from the local inquiry that, on 16 November, Mr Rice felt unable to cope with his six runners at Peterborough Stadium without the help of his partner Mrs E Parton, due to a health issue. However Mrs Parton had been banned from the racing paddock following an incident in the paddock a year earlier. When a request by Mr Rice for Mrs Parton to be allowed back in the paddock on 16 November was denied, he decided to take the greyhounds home. It was then too late to supplement reserves for the BAGS card.

In his written evidence the racing manager (Mr Miller) stated that at no time on 16 November did Mr Rice offer any explanation for the action that he took. Mr Baker stated in his written and oral evidence that at no time did Mr Rice request any help with his greyhounds.

At the Hearing Mr Rice introduced new evidence, that he had had a conversation with the racing manager on the day before the unauthorised withdrawals, when he said that he would have difficulty coping with six greyhounds on 16 November. In the absence of Mr Miller at the inquiry the nature of this exchange could not be confirmed. However the Committee was satisfied that no assurance was given that Mrs Parton would be allowed back in the racing paddock.

In answer to question from the Committee, Mr Perkins indicated that, had Mr Rice requested assistance on the evening in question, arrangements could have been put in place to help him with his greyhounds and the situation could have been resolved. As no such request was made, there was no opportunity to provide support.

The Committee took a serious view of a licensed professional trainer taking unauthorised action to withdraw six greyhounds from a race meeting, which was entirely avoidable in circumstances where other avenues of support could have been sought. The Committee accepted that Mr Rice had a health issue but considered that he had acted in a wholly unprofessional manner, when the success of greyhound racing depends on standards of conduct that Mr Rice had not demonstrated.

The Disciplinary Committee, having considered the circumstances of the case, ordered that Mr Rice's professional greyhound trainer licence be withdrawn for two years, and that he be fined £500. The penalty took into account the mitigation presented, including Mr Rice's admission of the rule breaches.

## **2. \*Yarmouth Stadium – SHARONS VAL – Former Professional Trainer Mr R Tanner**

Former professional trainer Ronald Tanner was found in breach of rules 49(iv), 152(i) and (ii), 174(i)(a), (xi) and (xii), and 217 of the GBGB Rules of Racing, in that a blood sample taken from the greyhound SHARONS VAL at Yarmouth Stadium on 29 October 2012 was analysed by LGC Health Sciences as containing the presence of azaperone, and that he had administered a substance that could affect the performance and wellbeing of the greyhound.

Mr Tanner did not attend the inquiry. Bill Johnson, racing manager at Yarmouth Stadium, and Adrian Smith, area stipendiary steward, were present.

The Committee heard that SHARONS VAL finished last in an A7 graded race on 29 October 2012, beaten a distance. The official race report stated that SHARONS VAL lacked early pace, had run rails to middle, and had faded. There was no indication that the greyhound had suffered any significant trouble in running until it faded and this was confirmed by the video evidence shown to the Committee.

The Committee received written evidence from a licensed kennelhand that, prior to the race in question, he saw Mr Tanner in the racing paddock administering an injection to SHARONS VAL in the left hind leg. This was reported shortly afterwards to the kennel manager. A post-race blood sample was taken from SHARONS VAL which showed the presence of azaperone.

In response to a question from the Committee, Mr Johnson stated that he had no cause to doubt the integrity of the witness to the greyhound being injected in the racing paddock.

The Committee noted that a 'Point of Registration' sample taken from SHARONS VAL on 27 May 2012 did not identify any prohibited substances.

The Committee received evidence from Dr Higgins, the GBGB's Independent Doping and Medication Adviser, that azaperone is a potent and quick acting neuroleptic (anti-psychotic) sedative, licensed for use in pigs to treat aggression, stress, and as a pre-medication prior to local or general anaesthesia. It is a prescription only injectable veterinary medicine not licensed for use in dogs.

The Committee noted that Mr Tanner had opportunities to refute the allegations but had not done so. The Committee concluded, therefore, that Mr Tanner did not dispute the witness's version of events.

The Committee emphasised the gravity of this breach of the rules involving the deliberate administration of a potent sedative drug. By his actions Mr Tanner had severely undermined the integrity and reputation of greyhound racing and jeopardised the welfare of the greyhound. He had shown no remorse and had not admitted the breaches of the rules of racing.

The Disciplinary Committee, having considered the evidence and the circumstances of the case, ordered that Mr Tanner be warned off indefinitely and fined £5,000.

## **3. \*Henlow Stadium – GLENVALE ROSIE – Sales Agent Mr V Toner**

Registered sales agent Vincent Toner was found in breach of rules 152 (i) and 174 (i)(b) of the GBGB Rules of Racing, in that a urine sample taken from the greyhound GLENVALE ROSIE at Henlow

Stadium sales trials on 30 September 2012 was analysed by LGC Health Sciences as containing the presence of hydroxyl stanozolol, a metabolite of stanozolol.

The Committee was advised that Mr Toner was unable to attend the inquiry due to health reasons. Paul Mellor, racing manager at Henlow Stadium apologised for his non-attendance. Lorraine Sams, stipendiary steward was present. Brian Harrison, sales trials promoter, observed the proceedings and provided a character reference for Mr Toner.

The Committee noted the Statement of Opinion provided by Dr Higgins, the GBGB Independent Doping and Medication Adviser, that stanozolol is a Class C drug and there is no licenced veterinary preparation available in UK. It is a potent anabolic steroid with a well-documented history of abuse in sport. Dr Higgins advised the Committee of emerging evidence that the drug when given as an aqueous injection to a greyhound may possibly linger in the dog's system for several months.

The Committee noted that in his written statement Mr Toner expressed regret and apologised for the positive sample. He had reimbursed the buyer of GLENVALE ROSIE and had "parted company" from Daniel O'Hanlon from Ireland, who he implied was responsible for administering stanozolol to the greyhound.

The Disciplinary Committee, having considered the circumstances of the case and Mr Toner's written apology, ordered that Mr Toner be severely reprimanded and fined £750.

#### **4. Transportation of Greyhounds – Professional Trainer Mr P Clarke**

Professional Trainer Paul Clarke was found in breach of rules 2, 152 (i), and Appendix II (Guidelines for Transportation of Greyhounds), following an investigation into his greyhound transportation arrangements.

Mr Clarke was in attendance. Expert Witness Edward Chandler BVetMed FRCVS, GBGB Veterinary Director Simon Gower, and investigating officer Jim Snowden were also present.

The Committee took evidence from Mr Gower, who stated his deep concern at the transport conditions of the dogs in Mr Clarke's van. In his opinion the welfare needs of the eleven greyhounds had not been met during their transportation to and from Oxford Stadium.

The Committee also took expert veterinary advice from Mr Chandler, who advised that he had examined the transportation vehicle and fittings, ventilation and temperature monitoring in Mr Clarke's van. Mr Chandler noted that GBGB rules were in place to ensure greyhounds were transported to and from racecourses in safety and comfort as well as meeting their welfare requirements. He noted that for 4 years until 2010 the industry had provided 100% grants to install air management or 50% grants for air conditioning systems in their greyhound transport vans.

In Mr Chandler's considered opinion there had been clear breaches of the GBGB Rules of Racing, the Animal Welfare Act 2006 and current Defra advice, leading to potential danger to the health and welfare of the greyhounds in Mr Clarke's care.

The Committee was advised by Mr Clarke that he had used a GBGB/NGRC grant to install a satisfactory air management system previously for a smaller vehicle. Mr Clarke indicated that, had he been required to improve the air management system in his current vehicle, purchased two years ago and after the grant scheme had ceased, he would have taken the necessary steps.

The Committee received documented evidence from two recent inspections by the GBGB stipendiary steward (14 June 2011 and 01 August 2012), when the transport vehicle was found on both occasions to be of a satisfactory standard. The Director of Regulation (DoR) stated his intention to investigate how these conclusions were reached in the context of the GBGB's specific regulations.

The Disciplinary Committee advised Mr Clarke that the air management arrangements in his vehicle needed to be upgraded as a matter of urgency in order to safeguard the health and welfare of the greyhounds in his care.

The Committee, having considered the evidence and circumstances of the case, ordered that Mr Clarke be reprimanded for the rule breaches. As an alternative to imposing a fine, the Committee ordered that the DoR issue an improvement notice requiring Mr Clarke to bring his greyhound transportation arrangements up to date with Defra and GBGB guidelines within four weeks. The Committee gave the DoR the discretion to impose the terms of the improvement notice, which could include the suspension of Mr Clarke's licence if the improvements were not carried out to the GBGB's satisfaction within the specified period of time.

The Committee heard that, as part of the investigation, the former deputy racing manager at Oxford Stadium had inspected the vans used by other Oxford trainers to transport their greyhounds. It transpired that a number of vans, including that used by Mr Clarke, only had fans to circulate the air. The DoR was therefore requested to place a notice in the Calendar, stressing the importance of compliance with Defra requirements and GBGB greyhound transportation guidelines, and that stipendiary stewards will pay particular attention to these matters in future inspections.

#### **5. Removal of Samples from Coventry Stadium – Greyhound Trainer Mr N Fountain and Licensed Kennelhand Mr S Steward**

Licensed kennelhand Scott Steward was found in breach of rules 152(i) and (ii), 174(v) and 174(xii)(a) of the GBGB Rules of Racing, having been found to have been responsible, on the evidence presented, for the removal of two urine samples from the Coventry Stadium racing paddock on 2 December 2012.

Greyhound Trainer Neil Fountain was found in breach of rules 152(i) and (ii), and 174(v), (xii)(a) and (xiii), in that he was found, on the balance of probabilities, to have connived or conspired with Mr Steward in the removal of the samples.

Messrs Fountain and Steward were in attendance. Bob Webb, authorised representative of Coventry Stadium, senior stipendiary steward Paul Illingworth, area stipendiary stewards Lorraine Sams and Adrian Smith, and investigating officer Jim Snowden were also present. Ms J Hatcher (former paddock steward) participated by telephone.

The Committee heard that twelve samples were to be taken from greyhounds at Coventry Stadium on 2 December. During the evening the Committee heard that the stipendiary steward's bag containing the samples taken could have been left unattended at times while he took other samples. The stipendiary steward also left the sample bag in the veterinary surgeon's room in order to consult with the track management over the track running surface, and the room was subsequently left unattended for a period of time when the veterinary surgeon joined those discussions.

It transpired two days later, when the sample batch was being prepared for dispatch to the laboratory for testing, that two of the samples taken on 2 December were missing. The greyhounds concerned were GARLYN PHANTER, trained by Neil Fountain, and CAVECOURT DERRY, trained by Ms Geraldine Kovac.

When asked in the course of the racing manager's enquiries if she knew anything about the circumstances of the missing samples, the paddock steward (Ms J Hatcher) stated that she recalled seeing a person whom she knew to be Mr Fountain's kennelhand put two bottles with blue lids in his jacket pockets. The Committee was told that the sample bottles in use at that time had blue lids.

The Committee requested an explanation as to why this incident was not reported immediately. Ms Hatcher responded that, at the time, she had assumed the bottles were empty or that Mr Steward was 'playing around'.

Mr Steward stated in his written submission that he refuted Ms Hatcher's version of events and cited personal differences as being the motive for her making false allegations against him. Ms Hatcher stated in her oral evidence that she had no personal differences with Mr Steward and had only spoken to him occasionally. Mr Webb spoke highly of Ms Hatcher's character and integrity and said he was wholly unaware of any differences between her and Mr Steward.

The Committee heard that the area stipendiary steward had made a number of attempts over two days to contact Mr Fountain once the samples had been discovered to be missing, and had eventually sample tested all of the greyhounds in his care, including GARLYN PHANTER, on 6 December. None of these samples nor the re-sampling of CAVECOURT DERRY returned a positive test.

Having considered the circumstances of the case the Committee found, on the evidence presented, that Mr Steward removed the samples, and found him in breach of the rules of racing.

The Committee concluded, on the balance of probabilities, that Mr Fountain had connived or conspired with Mr Steward in the removal of the samples from the racing paddock and also found him in breach of the rules of racing.

The Committee ordered that both Mr Fountain and Mr Steward be warned off indefinitely. The penalties reflected the serious view taken by the Committee of these rule breaches, which severely undermined the integrity and reputation of the sport.

In Mr Fountain's case the penalty took into account that this was a serious breach of the GBGB rules of racing involving a greyhound in his charge, and the ultimate responsibility laid with him. He had previously been warned off for breaching the rules of racing for an incident involving deliberate interference with a sampling process and was still subject to a two year probationary period having had his licence reinstated in February 2011.