

CALENDAR NOTICE (to be published 24 October 2014)

Disciplinary Committee Inquiries

The Disciplinary Committee of the GBGB were in attendance at a meeting held on 15 October 2014:-

Mr K Salmon (in the chair)

Mr J Akerman

Mr R Woodworth CBE

1. ROMFORD STADIUM – TYRUR ANDY – Professional Trainer Mr J Mullins

Professional Trainer Mr John Mullins admitted breaches of rules 152(i) and (ii), 174(1)(b), 216, and 217 of the GBGB rules of racing in that a urine sample taken from the greyhound TYRUR ANDY at Romford Stadium on 28 February 2014 was analysed by LGC Ltd. as containing the presence of amphetamine. A hair sample from TYRUR ANDY taken on 28 March 2014 was analysed by LGC Ltd. as containing the presence of amphetamine.

Mr Mullins was in attendance, accompanied by his wife Deborah Mullins and represented by Howard Berlin. Character witnesses Keith Parkin and Chris Waters were in attendance together with chartered biologist Paul Powles. Clive Carr, investigating officer, and Professor Tim Morris, independent scientific adviser were also present.

The Disciplinary Committee took evidence from Professor Morris who stated that Amphetamine is a class B Schedule 2 Controlled Drug, possession of which is a serious criminal offence that can attract a custodial sentence. It is not available as a veterinary medicine and has no therapeutic application in dogs. Amphetamine as a stimulant of the nervous and cardiovascular systems is a substance which by its nature could affect the performance of the greyhound or prejudice its welfare.

At the local inquiry on 1 April 2014 Mr Mullins stated that he had not administered amphetamine. He had requested that hair sample tests be carried out. On 28 March 2014 such tests had been carried out by LGC and subsequently showed the presence of amphetamine. At a directions hearing on 31 July 2014 a further test for amphetamine and metabolites of amphetamine was ordered. This was carried out by the Australian Racing Forensic Laboratory. The results of that test were received on 8 October 2014 and were positive. In a skeleton argument dated 8 October 2014 filed on behalf of Mr Mullins he admits breaches of rule 174 (1)(b).

During the course of the investigation carried out by Clive Carr, Mr Mullins' Greyhound Treatment and Kennel Books were inspected. Tyrur Andy underwent surgery on 28 May 2013 and 10 September 2013. There is no contemporaneous record of those treatments,

however on 1 April 2014, after the local inquiry, a retrospective entry was made for 10 September. Further, Mr Mullins shows TYRUR ANDY arriving at his kennel on 21 November 2012. That entry is not contemporaneous on its face. Mr Mullins has always admitted that he failed properly to maintain his kennel and treatment books.

By an email of 14 October Mr Mullins agreed the basis on which he admitted the various breaches;

1. Mr Mullins admits a breach of Rule 174(i)(b) because a dog in his charge, Tyrur Andy, showed the presence of amphetamine both in respect of the urine and hair samples. The GBGB does not suggest more than one ingestion of Amphetamine;
2. Mr Mullins admits that he is in breach of Rule 152(i) because Tyrur Andy was in his charge as the Greyhound's trainer at the time of the ingestion and the positive test for Amphetamine;
3. Mr Mullins admits a breach of Rule 152(ii) because Mr Mullins has acted in a manner that is prejudicial to the integrity, proper conduct and good reputation of Greyhound racing by having a dog in his charge that showed the presence of amphetamine. GBGB accepts that Mr Mullins has not published or caused to be published statements prejudicial to the integrity, proper conduct and good reputation of Greyhound racing;
4. Mr Mullins admits a breach of Rule 217 because Tyrur Andy took part in a race when it was not free of a substance that could affect its performance;
5. Mr Mullins admits a breach of Rule 216 because Mr Mullins failed to maintain his GBGB Greyhound Treatment Books and GBGB Kennel Books;
6. The GBGB withdraws the charge that Mr Mullins breached Rule 174(i)(a);
7. It is agreed that neither GBGB nor Mr Mullins can identify how the ingestion of amphetamine took place. Mr Mullins accepts that the ingestion of amphetamine took place at some point prior to Tyrur Andy's urine sample being taken at Romford on 28 February 2014. Mr Mullins does not suggest that Dr Ibello or Jon Forder were in any way responsible for ingestion of amphetamine;

The Disciplinary Committee heard evidence from Mr Powles and Professor Morris regarding the level of amphetamine in the urine sample taken from TYRUR ANDY. The Australian Racing Forensic Laboratory confirms this to be 4ng/ml. The Disciplinary Committee find that there are no inferences to be drawn from this which assist them in determining the correct penalty to be imposed.

The Disciplinary Committee heard evidence from Mr Mullins who confirmed his admissions and apologised for the breaches. The Disciplinary Committee accepts that Mr Mullins fully cooperated with the investigation.

The Disciplinary Committee heard evidence from Mrs Mullins about the failure to complete the treatment book. She said that this was her responsibility, but that during 2013 she suffered significant health difficulties and was hospitalised as a consequence of which entries were missed. She asked Clive Carr if it would be acceptable to make entries retrospectively and he told her that it would. Clive Carr confirmed this.

The Disciplinary Committee heard evidence from two character witnesses, Keith Parkin and Chris Waters, who were unstinting in their praise of Mr Mullins. The Committee also took account of a further eleven character references from owners, trainers and others involved in greyhound racing. The Committee is in no doubt that Mr Mullins is very highly regarded within the greyhound industry and manages an exemplary kennel. He is also deeply involved in rehoming retired greyhounds.

Set against that however is the fact that on 4 May 2005 Mr Mullins appeared before the NGRC stewards following a positive test for cocaine involving a greyhound SHAUN ME BOY at Walthamstow Stadium on 26 March 2005. Mr Mullins was found to be in breach of rule 152(ii). He was reprimanded and fined £600.

On 17 May 2012 Mr Mullins was found in breach of rules 174 (b) and 217 of the GBGB rules of racing in that urine samples taken from the greyhound BUZZ DOC at Poole Stadium on 30 April 2011 and at Oxford Stadium on 26 June 2011 were analysed by LGC Ltd. as containing the presence of amphetamine. He was severely reprimanded and fined £750 in respect of each incident, a total of £1,500.

The Disciplinary Committee agrees with submissions made on behalf of GBGB by Louis Weston of counsel that drugs proscribed under the Misuse of Drugs Act should not play any part in greyhound racing. The penalty imposed must reflect that fact. This is the third occasion upon which Mr Mullins has appeared before the Disciplinary Committee or its predecessor. He has been reprimanded and severely reprimanded, apparently to no effect.

Having considered all circumstances of the case, the Disciplinary Committee ordered that Mr Mullins be disqualified for 6 months suspended for 2 years and fined £2,500 in respect of the breaches relating to amphetamine. The Committee imposed no additional penalty in respect of the Kennel and Treatment books and accepted Mr Mullins's evidence in that regard. The Committee is of the view that this is a significantly greater penalty than that imposed in 2012 which reflects the seriousness with which repeated breaches of this nature are dealt with. The Committee also ordered that Mr Mullins be served with a warning notice stating that any further breaches of the rules of racing will result in a more severe penalty which may include immediate disqualification.

GBGB made an application that Mr Mullins pay the costs of the inquiry of £21,080.30p on the basis that he should have admitted the breaches at the local inquiry or, at the very latest, by the end of June before solicitors and counsel were instructed and before these substantial costs had been incurred. By insisting on further tests including the Australian test Mr Mullins alone had increased the costs and he alone should be responsible.

Mr Mullins stated that the inquiries carried out on his behalf were necessary arising from a conflict of scientific evidence. He also stated that LGC had failed to supply him with complete case file which he was entitled to see and this had affected the approach Mr Powles had taken to the case.

The Disciplinary Committee starts from the proposition that an arraigned party should not be actively dissuaded from making proper inquiries regarding the case they face by the threat of a substantial award of costs being made against them. Equally, however, it cannot be right for an arraigned party to run up substantial costs to no purpose,

The Committee feels that there is some justification in the way that Mr Mullins and his team have conducted themselves in making investigations into the case against him. The Committee also takes into account the substantial costs that Mr Mullins himself has incurred. Having said that the Committee is of the view that some of the areas of inquiry pursued on Mr Mullins's behalf were not necessary and had the effect of increasing costs to no purpose.

Accordingly the Committee ordered that Mr Mullins pay £5,000 towards the costs of GBGB.