

CALENDAR NOTICE (to be published 6 November 2015)

Disciplinary Committee Inquiries

The Disciplinary Committee of the GBGB were in attendance at a meeting held on 22 October 2015:-

Mr J Akerman (in the chair)

Mr A Hunt

Mr R Woodworth CBE

POSITIVE SAMPLES FOR PENTOBARBITAL

The Disciplinary Committee received reports of eight positive urine samples for pentobarbital taken at Pelaw Grange Stadium on 23 March 2015:

Registered Sales Agent Mr Paul Matthews was found in breach of rules 152(i), 174(i)(b) and 214 of the GBGB Rules of Racing in that urine samples taken from the greyhounds CASH OUT, BORN READY, WARNING PARTY, TOOGOODTOOBEAT at Pelaw Grange Stadium on 23 March 2015 were analysed by LGC Health Sciences as containing the presence of a hydroxylated metabolite of the barbiturate pentobarbital; and that he had in his charge four greyhounds showing the presence of a substance that could affect their performance and/or wellbeing.

Registered Sales Agent Mr Ross Myles (acting as a Transporter) was found in breach of rules 174(i)(b) and 214 of the GBGB Rules of Racing in that urine samples taken from the greyhounds CABRA MILLER, CABRA GUNNER, CABRA SIMBA, CLONCUNNY EVE at Pelaw Grange Stadium on 23 March 2015 were analysed by LGC Health Sciences as containing the presence of a hydroxylated metabolite of the barbiturate pentobarbital; and that he had in his charge four greyhounds showing the presence of a substance that could affect their performance and/or wellbeing.

Messrs Matthews and Myles were both in attendance. Mr Matthews was accompanied by his relative, Finbarr O'Brien. David Gray, racing manager of Pelaw Grange Stadium apologised for his non-attendance. Alex McTaggart, area stipendiary steward and Professor Tim Morris, independent scientific adviser were also present.

In his written evidence to the Committee the GBGB Veterinary Director stated that, in the UK, pentobarbital is a Class B, Schedule 3 Controlled Drug and a prescription only medicine which can only be supplied on the prescription of the treating veterinary surgeon.

In his evidence Professor Morris stated that pentobarbital is available as a veterinary medicine in a concentrated solution for injection for euthanasia of animals. It affects dogs as it does other animals and people, with increasing doses causing sedation, anaesthesia and then death through respiratory failure and cardiac arrest. It is not available as a medical drug in the UK but is available in other countries. It is a substance that could affect the performance of a greyhound or prejudice the wellbeing of a greyhound.

Professor Morris stated that, in his opinion, as there are stringent legal restrictions on the supply of pentobarbital, it was very unlikely that a specialist chemical supplier or a medical drug source could have been the potential source of supply. In contrast pentobarbital is the most common drug used by veterinary surgeons for euthanasia, albeit with controls.

The Committee received evidence from Mr Matthews that he had known Mr Myles for many years and had engaged him to transport seven greyhounds from Ireland to Pelaw Grange Stadium for a sales trials session on 23 March 2015. Mr Myles was taking other greyhounds to the sales. Mr Matthews accompanied Mr Myles on the trip and stated that he supplied the food for the greyhounds including beef purchased from a local butcher. The greyhounds were fed during a road rest stop after midnight on 23 March 2015 using the feed that Mr Matthews had provided. According to Mr Matthews most but not all of the greyhounds ate up.

The evidence from Mr Myles confirmed that he was the transporter of the greyhounds bound for Pelaw Grange. He stated that he took twelve greyhounds himself, collected from three different kennels in the Republic of Ireland, and met Mr Matthews and the greyhounds in his charge at Mr Matthews' kennels in Newry, Co Down. Mr Myles confirmed the travel itinerary provided by Mr Matthews and stated that the greyhounds were fed at around 1am on 23 March using food supplied by Mr Matthews. Mr Myles stated that four or five dogs did not eat at all. The Committee found that the testimonies provided by Messrs Matthews and Myles corresponded closely and were reliable.

Messrs Matthews and Myles both stated in evidence that they were not aware of any treatments given to the greyhounds. Mr Matthews stated in his oral evidence that he believed the meat fed to the greyhounds whilst travelling to Pelaw Grange to be fit for human consumption. Mr Myles stated his presumption in his written evidence that the positive samples had been caused by contaminated feed given to the greyhounds. In his oral evidence Mr Myles supported his assertion by recalling that the other greyhound in his charge that was sampled and tested negative had not eaten any of the food given at 1am on 23 March.

Having reviewed the feeding regimes for the greyhounds while they were being transported from Ireland, Professor Morris stated his opinion that, despite the controls both on the use of pentobarbital and the guidance on the use of animal by-products in making pet food, the most likely source of the pentobarbital metabolites found in the urine samples of all eight greyhounds was from a source (probably category 2 meat) contaminated with pentobarbital used for euthanasia. His opinion was supported by information provided by LGC, that the screening samples for all eight greyhounds that tested positive for pentobarbital also showed the presence of products that could be used to treat sick farm animals and horses.

Professor Morris referred to the GBGB "Advice for trainers: Feeding Red Meat" published in the GBGB Calendar in 2012 and 2014 that Category 2 ABP meat was classified under EC regulations as being of high risk to public and animal health, that it may contain drug residues and that trainers should only use Category 3 ABP meat.

The Committee received oral evidence from Alex McTaggart, area stipendiary steward, that the form lines for each greyhound that tested positive for pentobarbital showed no significant variation in their performances subsequent to their trials on 23 March 2015. The Committee accepted that this was an indication that the greyhounds' trial performances had probably not been affected by the presence of pentobarbital.

During the course of Mr Matthews' oral evidence Mr O'Brien attempted to introduce new evidence on his behalf, relating to a Butcher's shop in Bessbrook, Co Armagh, where they both said that Mr Matthews had purchased pre-packed meat for the journey to Pelaw Grange. Mr O'Brien said that the shop had since been closed by the local authority Environmental Services. Mr O'Brien produced no evidence that Mr Matthews had purchased meat from the shop and no evidence to suggest that the

closure of the shop had any link whatsoever to meat contamination. In view of the lack of any evidence the Committee gave no weight to the information about the shop and were critical of its late submission.

After considering the evidence the Committee concluded that there were only two probable causes for the urine samples for the eight greyhounds testing positive for pentobarbital: (1) the feeding of meat contaminated with pentobarbital, or (2) pentobarbital had been administered to the greyhounds. Having considered the evidence, in particular the expert scientific evidence, the Committee were satisfied, on the balance of probabilities, that the most likely source of pentobarbital in this case was through the feeding of contaminated Category 2 meat, and that there was no deliberate attempt on the part of Mr Matthews or Mr Myles to administer pentobarbital. The Committee found there was insufficient evidence to establish how Mr Matthews had come into possession of contaminated meat; however they accepted that sale by misrepresentation was a possibility and that Mr Matthews believed he was feeding meat fit for human consumption.

The GBGB rules of racing impose strict liability on the trainer or sales agent. Mr Matthews was found in breach of rule 174(i)(b) in that he had in his charge four greyhounds, namely CASH OUT, BORN READY, WARNING PARTY and TOOGOODTOOBEAT which showed the presence of a banned substance, pentobarbital, which, by its nature, could affect their performance or wellbeing. Having accepted that Mr Matthews believed he was feeding meat fit for human consumption the Committee did not find him in breach of the more serious offence under rule 174(i)(a).

Mr Matthews was in breach of rule 214 in that the greyhounds were not free at the time of racing or trialling, of a substance that could affect their performance or wellbeing. Mr Matthews, by his own admission, had supplied the meat for all of the greyhounds being transported to Pelaw Grange Stadium on 23 March 2015. For this reason he was also found in breach of rule 152(i) in that he was responsible for a failure to take action to ensure that the greyhounds were free from a banned substance.

Under Rule 14, the GBGB rules of racing impose strict liability on an agent acting on behalf of a greyhound owner. Some of the greyhounds which travelled from Ireland were in Mr Myles' charge. Mr Myles was therefore found in breach of rule 174(i)(b) in that he had in his charge four greyhounds, namely CABRA MILLER, CABRA GUNNER, CABRA SIMBA, CLONCUNNY EVE, which showed the presence of a banned substance, pentobarbital, which, by its nature, could affect their performance or wellbeing. Mr Myles had no reason to suspect that the meat supplied by Mr Matthews was contaminated and the Committee did not find him in breach of the more serious offence under rule 174(i)(a).

Mr Myles was in breach of rule 214 in that the greyhounds were not free at the time of racing or trialling, of a substance that could affect their performance or wellbeing.

The Committee acknowledged the Director of Regulation's recommendations concerning the rule breaches and the submissions in response made by Messrs Matthews and Myles. In all the circumstances of the case the Committee ordered that Mr Matthews be cautioned and fined £350. The penalty took into account that Mr Matthews had no previous breaches of the rules of racing and had travelled from Ireland at his own cost to appear before the Committee. Mr Myles was cautioned and fined £150. He was also given credit for having no previous breaches of the rules and for attending the Inquiry at his own cost.

Kennelhand Licence Application – Mr S. K. Lapidge

The Disciplinary Committee considered a request to GBGB from Greyhound Trainer Mr R E Alder for former Professional Trainer Stephen Lapidge to become a licensed kennelhand. Messrs Lapidge and Alder were both in attendance.

The Committee heard that Mr Lapidge had held a Professional Trainer licence from the NGRC from 2005 until 2007 when he was subject to two Inquiries in respect of positive samples for prohibited substances. In the first case he was found in breach of NGRC rules 152(i) and (ii), 174(i)(b), 214, 217 and 218 in that a urine sample taken from the greyhound ROOSTER JAM at Harlow Stadium on 31 January 2007 was analysed as containing methylprednisolone. At a Disciplinary Hearing on 12 June 2007 Mr Lapidge was severely reprimanded and fined £800.

In the second case Mr Lapidge was found in breach of NGRC rules 49(iv), 152(i) and (ii), 174(i)(a), 214, 217 and 218 in that a urine sample taken from the greyhound EXPRESS TRAP at Coventry Stadium on 4 February 2007 was analysed as containing caffeine and salicylic acid. At a Disciplinary Hearing on 17 May 2007 Mr Lapidge was made a disqualified person and fined £1,500.

The Committee noted that the fines imposed in 2007 had been paid in full.

It was explained to Mr Lapidge that as the order in 2007 was that he be disqualified for an unspecified period, the GBGB and the Director of Regulation could not consider his current application without the Committee initially approving its consideration. In this event Mr Lapidge's application would be considered by the Director of Regulation in the normal way, having regard to the criteria stipulated in the GBGB Rules of Racing (rule 4A).

The Committee asked Mr Lapidge to say why he now wished to hold a kennelhand licence and why he should be allowed to do so. Mr Lapidge spoke with passion and gave the Committee assurances regarding his future conduct. Mr Alder, who has an unblemished disciplinary record, spoke in support of Mr Lapidge's application.

The Director of Regulation informed the Committee that Mr Lapidge had five disciplinary findings against him between 2005 and 2007, in addition to the matters in 2007 for which he had been made a disqualified person. The Committee told Mr Lapidge that this represented an extremely poor disciplinary record over a short period of time. After consideration, the Committee decided and informed Mr Lapidge that it would approve consideration of his application by the Director of Regulation. The Committee warned Mr Lapidge in the strongest terms that, if he was granted a licence by the Director of Regulation and was subsequently found in breach of the rules of racing, there was a real likelihood that he would have his licence withdrawn indefinitely once more.

Greyhound Trainer Licence Application – Mr C Joyce

The Disciplinary Committee considered an application to GBGB from former Greyhound Trainer Christopher Joyce, who was in attendance, to have his Greyhound Trainer licence reinstated.

The Committee heard that Mr Joyce had held a Greyhound Trainer licence from the NGRC until July 2002 when he was subject to an Inquiry in respect of a positive sample for a prohibited substance. Mr Joyce was found in breach of NGRC rules 4A(i)(b), 49(iv), 152(a) and (b) and 174(a)(i) in that a urine sample taken from the greyhound BRUNSWICK SON at Milton Keynes Stadium on 22 April 2002 was analysed as containing cyclizine. At a Disciplinary Hearing on 18 July 2002 Mr Joyce's licence was withdrawn indefinitely.

It was explained to Mr Joyce that, as the order in 2002 was that his licence was withdrawn for an unspecified period, the GBGB and the Director of Regulation could not consider his current application without the Committee initially approving its consideration. In this event Mr Joyce's application would be considered by the Director of Regulation in the normal way, having regard to the criteria stipulated in the GBGB Rules of Racing (rule 4A).

In his written submission Mr Joyce expressed his regret at losing his licence and said that the experience had taught him a lesson. The Committee asked Mr Joyce to say why he now wished to hold a Greyhound Trainer licence and why he should be allowed to do so. Mr Joyce said that he had missed being involved in the sport.

The Director of Regulation informed the Committee that Mr Joyce had two disciplinary findings against him in 2001 for time finding, in addition to the matters in 2002 for which his Greyhound Trainer Licence had been withdrawn. Mr Joyce had also been warned off in 1986 for a failure to kennel his greyhounds in accordance with the terms of his Permit Trainer's Licence.

After consideration, the Committee decided and informed Mr Joyce that it would approve consideration of his application by the Director of Regulation. In reaching this decision the Committee took into account the length of time that his licence had been withdrawn. The Committee warned Mr Joyce in the strongest terms that, if he was granted a licence by the Director of Regulation and was subsequently found in breach of the rules of racing, there was a real likelihood that he would have his Greyhound Trainer Licence withdrawn indefinitely once more.