

CALENDAR NOTICE (to be published 18 December 2015)

Disciplinary Committee Inquiries

The Disciplinary Committee of the GBGB were in attendance at a meeting held on 01 December 2015:-

Mr J Akerman (in the Chair)

Mr M Elks

Mr A Hunt

Sunderland Stadium - Professional Trainer Mrs J Calvert

(A) Positive Samples for 5-hydroxytryptophan (5-HTP) - POINT BACK and ROCKFOREST MARCO

Professional Trainer Julie Calvert was found in breach of rules 152(i) & (ii), 174(i)(a), 214, 216 and 217 (all admitted) of the GBGB Rules of Racing in that urine samples taken from the greyhounds POINT BACK at Sunderland Stadium on 3 January 2013 and ROCKFOREST MARCO at Sunderland Stadium on 15 January 2013 were analysed by LGC Health Sciences as containing the presence of 5-hydroxytryptophan (5-HTP); and that she administered a substance that could affect the performance and/or well-being of the greyhounds.

Mrs Calvert was in attendance, accompanied by her Solicitor, Paul Manski and Craig Mottram. Mrs Calvert was represented by Counsel, Harriet Fear Davies. GBGB were represented by Louis Weston of Counsel instructed by James Eighteen. Professor Tim Morris, independent scientific adviser was also present. Michael Patterson, racing manager at Sunderland Stadium and Joe O'Donnell, authorised representative, apologised for their non-attendance.

The Committee received written evidence from Professor Morris that 5-HTP is synthesised from tryptophan (an amino acid that is found in many foods) and is then converted in the body to serotonin. 5-HTP is not available as a veterinary medicine but is available as a nutritional supplement for people and is also used in animals. In dogs and in people 5-HTP increases serotonin concentrations, which within the nervous system affects sleep, cognition, behaviour and motor activity amongst other things. Side effects are not uncommon and can include seizures, diarrhoea, abdominal pain and transient blindness. It is therefore a substance which, by its nature, could affect the performance of a greyhound or prejudice the welfare of a greyhound.

Professor Morris said that small amounts of 5-HTP converted from tryptophan in food are found in the urine of greyhounds at a level below 0.06µg/ml. He referred to administration studies of doses of 50-100mg of 5-HTP to dogs which showed resultant urine levels of over 1µg/ml and up to 22µg/ml. From these studies GBGB had established a robust statistically defined laboratory reporting level, where a finding of 1µg/ml in the urine indicated that 5-HTP had been administered to a greyhound and would be reported as positive.

Professor Morris's evidence to the Committee was that 5-hydroxytryptophan (5-HTP) should not be present over the laboratory reporting limit [1µg/ml]. In his opinion the concentration of 5-HTP present in the urine of POINT BACK and ROCKFOREST MARCO was consistent with the use of two 50

mg 5-HTP tablets given to the greyhounds on the day of the race and trial respectively, and was in excess of the quantities expected after normal feeding.

The Committee heard that at the Local Inquiry Mrs Calvert admitted to administering 5-HTP over an eight year period to settle the greyhounds in her care that were hyperactive or bad kennellers, including POINT BACK and ROCKFOREST MARCO. The Local Inquiry noted that Mrs Calvert administered two tablets to each greyhound subject to that regime in the evening feed. Mrs Calvert said that she had not consulted a veterinary surgeon before using this product because she did not think it necessary as it was a “herbal substance”. For the same reason she did not enter the treatments in her greyhound Treatment Book.

The Committee noted that POINT BACK and ROCKFOREST MARCO were both subjected to drug tests later in 2013 when negative results were returned. At the Local Inquiry Mrs Calvert could offer no explanation why this would be the case when the greyhounds would have been on the same 5-HTP regime as when they tested positive in January 2013.

At the Local Inquiry Mrs Calvert stated that she felt the treatment with 5-HTP had a calming effect on POINT BACK to a degree, but it was still quite “hyperactive” when it went to the racecourse. Mrs Calvert was asked at that Inquiry if she thought that a dog that was calmed down would perform to its best endeavours, or whether the product would slow them down. Mrs Calvert responded by saying that she did not consider the performance of the greyhounds to be affected as they ran consistently.

At the Local Inquiry Mrs Calvert admitted that she had not sought veterinary advice before using 5-HTP, that none of the treatments had been recorded in the greyhound Treatment Book, and that she had not read the Calendar notice issued by GBGB regarding supplements including 5-HTP. Mrs Calvert asserted that she administered 5-HTP to calm down excitable or nervous dogs and did not administer 5-HTP to affect their performance. In a written statement Mrs Calvert accepted that she had breached the rules of racing but said that she had done so innocently as she was not aware that she should not have administered 5-HTP.

The Committee found that Mrs Calvert had failed to follow the rules (including the Trainer’s Guide to Medication Control in Greyhounds and other Calendar guidance) by administering to the greyhounds POINT BACK and ROCKFOREST MARCO a banned substance which is not licensed in the UK for use in dogs. Mrs Calvert was in breach of rule 152(i) and (ii) in that she was responsible for taking action expressly forbidden by the Rules and acted in a manner prejudicial to the integrity and proper conduct of greyhound racing as regulated by GBGB.

Mrs Calvert was in breach of rule 174(i)(a) in that she had administered a banned substance to POINT BACK and ROCKFOREST MARCO which, by its nature, could affect the performance of the greyhounds or prejudice their well-being.

Mrs Calvert was in breach of rule 214 in that she did not ensure that a supplement given to POINT BACK and ROCKFOREST MARCO was free from any substance that might falsely affect performance

or prejudice welfare and of rule 217 in that the greyhounds were not free of any substance that could affect their performance or well-being when taking part in a race or trial.

At the Local Inquiry Mrs Calvert stated that she only made entries in her greyhound Treatment Book when greyhounds were lame, contrary to the advice given to Trainers regarding their completion. She had failed to record the administration of 5-HTP and was therefore in breach of rule 216.

The scientific evidence was clear that clinically significant doses of 5-HTP had been administered to POINT BACK and ROCKFOREST MARCO, most likely on the morning of their respective race and trial. The Committee acknowledged Mrs Calvert's admission that she administered the substance but were concerned about the inconsistency in her oral evidence about when she administered the substance given these were daytime runs and Mrs Calvert said that the greyhounds would not have been fed in the morning. The Committee made some allowance for the time that had elapsed since the positive samples were taken but still considered that Mrs Calvert had been unclear and inconsistent in her explanations to the Committee.

Having considered the evidence the Committee did not find, on the balance of probabilities, that Mrs Calvert administered 5-HTP deliberately to manipulate the race and trial results for POINT BACK and ROCKFOREST MARCO. The Committee noted Mrs Calvert's admission that she gave 5-HTP to calm the greyhounds and found that she did so knowing that it would affect the performance of the greyhounds. The Committee were concerned that Mrs Calvert had failed to take veterinary advice and considered that these were serious breaches given the effect of 5-HTP on performance, the risk to the well-being of the greyhounds and the impact on the integrity of greyhound racing.

The penalty for the breaches was determined after consideration of case (B).

(B) Inquiries into Improved Performance

Professional Trainer Julie Calvert was found in breach of rule 49(iv) and 152(i) and (ii) following an Inquiry into the improved performance (time finding) of four greyhounds at Sunderland Stadium in February and April 2015. Two of the four cases were found to be made out on the balance of probabilities.

The four greyhounds and races under consideration (the 'subject races') were:

PHILOMENAS GIRL - On 17th February 2015 ran at Sunderland Stadium winning in a time of 28.43. The betting opened at 3/1 and closed at 7/4F. The greyhound found 0.62 secs from its best recent time on 6th February 2015;

BOWER BOY - On 18th February 2015 ran at Sunderland Stadium winning in a time of 28.02. The betting opened at 4/1 and closed at 3/1. The greyhound found 0.79 secs from its best recent time on 3 February 2015;

PHILOMENAS BOY - On 20th February 2015 ran at Sunderland Stadium winning in a time of 27.73. The betting opened and closed at 5/2. The greyhound found 0.82 secs on its best recent time on 19th December 2014; and

EDWARDS MEMORIE - On 9th April 2015 ran at Sunderland Stadium winning in a time of 27.99. The betting opened at 3/1 and closed at 4/5F. The greyhound found 0.69 secs on its best recent time on 28th March 2015.

Mrs Calvert was in attendance, accompanied by her Solicitor, Paul Manski and witness Craig Mottram. Mrs Calvert was represented by Counsel, Harriet Fear Davies. GBGB were represented by Louis Weston of Counsel instructed by James Eighteen. Also present were Alex McTaggart, area stipendiary steward and Clive Carr, investigating officer. Professor Tim Morris, independent scientific adviser was also present for part of the Inquiry. Michael Patterson, racing manager at Sunderland Stadium and Joe O'Donnell, authorised representative, apologised for their non-attendance.

The Committee received details of the Local Inquiries into the four subject races. They heard that PHILOMENAS GIRL, BOWER BOY and PHILOMENAS BOY were from the same litter whelped in June 2013. They were owned by Mrs Calvert who stated that as young puppies they were all slow to school, green when trialling at Sunderland Stadium and slowly away in their first races. Mrs Calvert felt that all three greyhounds had been harshly graded which she considered to be an indication that the racing manager must have expected them to improve on their trials. Mrs Calvert also owned EDWARDS MEMORIE, whelped in August 2013 and said that the greyhound had suffered from sore tonsils and coughing during trials and was also slowly away in its first race and run green. She had expected the greyhound to improve by at least 0.40 secs in its next race.

The Committee received evidence from the Betfair organisation, provided under the terms of the 'Memorandum of Understanding' between GBGB and Betfair. This information indicated a significant bias of a named Betfair account based in Ireland to betting on greyhounds trained by Julie Calvert. This account was the largest winner in the Betfair win market in the race won by PHILOMENAS BOY on 20 February 2015, profiting by £8,479 on a stake of £3,000. A separate Betfair account in the name of Craig Mottram, the partner of Mrs Calvert's daughter, profited by £230 on PHILOMENAS BOY in the same race on a stake of £57.

As part of the investigation into the betting patterns on the race won by PHILOMENAS BOY, the named Betfair account holder in Ireland was contacted who said that all bets placed on the account were his own selections and he did not receive any information regarding greyhounds trained by Julie Calvert. Mrs Calvert said at the Local Inquiry and repeated to the Committee that she did not know the account holder in Ireland and had never passed on information to Mr Mottram.

The Committee reviewed the video evidence of the relevant races involving all four greyhounds and noted that they had all been hampered to varying degrees in their initial races prior to showing marked improvement in the subject races which were, individually, between four and twelve days later. Mrs Calvert expressed the view that as novice puppies it was possible that they could improve through normal progression in subsequent races by between 0.50secs and 0.70secs. In her written evidence Mrs Calvert explained the improvement in performance by saying that she spent some

time after their initial races training the greyhounds how to come out of the traps, run with other dogs on the gallops and run the bends. She had also been able to put weight on the greyhounds.

In his oral evidence Alex Mc Taggart said that he had not previously seen such rapid improvement by greyhound puppies in such a short space of time.

Mrs Calvert strongly denied that she did anything to deliberately alter the performance of any of these greyhounds other than training them. She said that she did not take any steps to deliberately hold them back in their previous trials or races. She denied having any links with betting activity.

The Committee noted Mrs Calvert's explanations regarding the improvement in the performance of PHILOMENAS GIRL and PHILOMENAS BOY. Having considered the evidence and explanations the Committee noted that the greyhounds had been bumped in each of their first races and were likely to improve subsequently. Although that improvement was unquestionably marked in the subject races the Committee could not say, on the balance of probabilities, that Mrs Calvert had not used her best endeavours to ensure their satisfactory performance. Accordingly Mrs Calvert was not found in breach of rule 49(iv) in respect of the two races.

The Committee considered the improved performance of BOWER BOY and EDWARDS MEMORIE in the subject races. BOWER BOY had run in two races and had led in its previous race before being bumped and fading in the closing stages. Its improvement came in a race four days later. Mrs Calvert attributed the improvement to being able to put weight on the greyhound. The Committee noted Mrs Calvert's evidence that EDWARDS MEMORIE had suffered from coughing and inflamed tonsils which had delayed the completion of its qualifying trials at Sunderland Stadium. However, having reviewed the dates when this greyhound was reported as receiving veterinary treatment the Committee was not persuaded that this was a valid explanation for the variation in performance.

After considering the evidence and the explanations provided, the Committee concluded, on the balance of probabilities, that the performances of BOWER BOY and EDWARDS MEMORIE in the subject races represented an abnormal improvement which could not be fully explained by trouble in running in earlier races and normal progression. The Committee concluded that Mrs Calvert had not used her best endeavours to ensure that the performance of the two greyhounds was to the satisfaction of the Greyhound Regulatory Board. Accordingly Mrs Calvert was found in breach of rules 49(iv) in respect of the two races. She was also found in breach of Rule 152(i) in that she was wholly or partly responsible for taking action forbidden by the Rules and/or failing to take action required by the Rules.

The Committee reiterated that the betting public have the right to expect that greyhounds when taking part in a race or trial are running on their merits. Mrs Calvert was found in breach of rule 152(ii) in that she had acted in a manner prejudicial to the integrity and proper conduct of greyhound racing as regulated by GBGB.

Penalty and Costs

Mr Weston and Miss Fear Davies made submissions to the Disciplinary Committee on penalty and costs for the 5-HTP and improved performance cases. In the circumstances of the 5-HTP case the

Committee ordered that Mrs Calvert's trainer licence be withdrawn for six months, with the second half of that withdrawal period suspended for 15 months. She was also fined £1,000 for the rule breaches associated with the use of 5-HTP. In imposing the penalty the Committee acknowledged Mrs Calvert's apology and admissions of the rule breaches in relation to 5-HTP. However, as an aggravating factor the Committee could not ignore that Mrs Calvert's licence had been withdrawn for six months in April 2011 following an Inquiry into the retirement of greyhounds owned by her for which she was found in breach of rules 18(i)(f), 18(ii), 18(iii), 152(i) and (ii), 174(vi) and 174(xiv)(a) and (b).

In the circumstances of the rule breaches associated with improved performance Mrs Calvert was fined a total of £400. In determining the penalty the Committee noted two breaches of rule 49(iv) by Mrs Calvert in 2013.

Mrs Calvert was cautioned that any further rule breaches once her licence is restored could lead to a further withdrawal of her licence.

Mr Weston on behalf of GBGB made an application that Mrs Calvert pay GBGB's legal costs on the basis that she had instructed solicitors and counsel and GBGB had responded accordingly. The Committee took into account the costs that Mrs Calvert herself had incurred and the fact that she had admitted to administering 5-HTP at the Local Inquiry. Furthermore, two of the races under review for improved performance were found not to have involved a breach of rule 49(iv). In all the circumstances the Committee ordered that Mrs Calvert pay a total of £8,000 towards the costs of GBGB.