



**DECISION
RACING VICTORIA STEWARDS
and
RICHARD LAMING**

Date of Hearing 12 October 2018

Panel Judge John Bowman (Chair)

Appearances Stephen Schmidhofer appeared on behalf of the stewards.
Richard Laming was self-represented.

Charge 1 AR 178

Subject to AR 178G, when any horse that has been brought to a racecourse for the purpose of engaging in a race and a prohibited substance is detected in any sample taken from it prior to or following its running in any race, the trainer and any other person who was in charge of such horse at any relevant time may be penalised.

Summary The stewards allege that on 19 May 2018, *Sly Romance* was brought to Flemington Racecourse and ran in the Andrew Ramsden Stakes over 3200 metres. A prohibited substance, being Triamcinolone Acetonide, (a corticosteroid), was detected in a pre-race blood sample taken from *Sly Romance* on 19 May 2018.

Charge 2 AR 178F(1)

(1) A trainer must record treatment and medication administered to each horse in his or her care by midnight on the day on which the administration was given, and each record must include the following information:

Summary In accordance with AR 178F(1), Mr Laming failed to record in his treatment diary the following treatment and medication administered to *Sly Romance* on 13 April 2018: the intra-articular injection of Kenacort (Triamcinolone Acetonide) and Hyaluronic Acid to the knees and fore fetlocks.

Plea

Charge 1: Guilty

Charge 2: Guilty

Penalty

Charge 1 – Mr Laming is convicted and fined \$3,500

Charge 2 - Mr Laming is convicted and fined \$1,000

A total fine of \$4,500 - Payment terms 30 days.

Pursuant to AR 177, *Sly Romance* is disqualified from Race 7 at Flemington Racecourse on 19 May 2018 and the finishing order amended accordingly.

Grace Gugliandolo
Registrar
Racing Appeals and Disciplinary Board

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

HIS HONOUR JUDGE J. BOWMAN, Chairman

EXTRACT OF PROCEEDINGS

DECISION

RACING VICTORIA STEWARDS

and

RICHARD LAMING

RACING VICTORIA CENTRE, FLEMINGTON

FRIDAY, 12 OCTOBER 2018

MR S. SCHMIDHOFER appeared on behalf of the RVL Stewards

MR R. LAMING appeared on his own behalf

CHAIRMAN: Mr Richard Laming, you have pleaded guilty to two charges. One is pursuant to AR 178. That charge can be summarised as follows: on 19 May 2018, you brought the horse, Sly Romance, to run in the Andrew Ramsden Stakes at Flemington. A pre-race blood test subsequently revealed the presence of a prohibited substance, namely a corticosteroid. The second charge is pursuant to AR 178F which could be summarised as a failure to maintain proper and adequate treatment records.

In relation to charge 1, the last known treatment of Sly Romance involving a corticosteroid by a veterinarian was on 13 April 2018, some 36 days earlier. The last notification to trainers in the industry effectively referred to a withhold period of eight clear days. Accordingly, how Sly Romance proved positive on 19 May 2018 is a matter of some debate. The situation is not assisted by the breach of AR 178F, the failure to keep proper records.

It has been suggested that there may have been some transmission to the horse from an ulcer medication used by a stable employee but, like the stewards, I consider this something of a remote possibility. In any event, strict liability effectively applies.

Matters in your favour include your plea of guilty at the earliest possible opportunity and the fact that the Stewards do not assert that this was an overt attempt to breach the rule. If it had been, a considerably different regime of penalties may well have had to have been considered.

As pointed out, on the other hand, you are obliged to take all necessary steps to ensure that your horses present to race free from prohibited substances. The absence of proper records do not assist in this regard. Further, you have been in some trouble previously with the Stewards in relation to a prohibited substance and in relation to race-day administration.

Both general and specific deterrence must be borne in mind. It must be clear to the industry that presentation of horses with a prohibited substance in their system will not be tolerated. In addition, given your record, you should be particularly careful.

The Stewards have asked that the penalty be a fine of the nature of that imposed on Danielle Loos which was \$3000, or on Logan McGill which was \$4000. I note that Danielle Loos also pleaded guilty at the earliest opportunity and had a clean, excellent record. I am of the view that in the interests of attempted parity and equality in sentencing, your fine should exceed hers and I fix it at \$3500.

In relation to the breach of AR 178F, the failure to maintain proper records, I am starting to sound like a broken record in my remarks about this. The maintenance of proper records is of great importance to the Stewards and the industry, as well as to the trainers themselves. With proper records, the situation in the present case may have been different. I accept that you have taken positive steps to improve your record-taking practices. However, the message about the importance of proper record-keeping must be emphasised.

The failure so to do causes problems to everyone, as the present case illustrates. The Stewards have sought a penalty of \$1000 and, given the penalties imposed in some other cases, this seems to me to be a very proper penalty. Accordingly, you are fined \$1000, making the total penalty \$4500, payment to be within 30 days.

Further, Sly Romance is disqualified from race 7 at Flemington on 19 May 2018 and the finishing order is to be amended accordingly. I appreciate that this is also a penalty as the horse finished seventh which attracted prizemoney of \$4000.

Finally, I thank your veterinary surgeon, Dr Luke Campbell, for his attendance and for his assistance and his preparedness to comment upon the situation.
