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## **APPEAL DECISION**

### **NIKITA BERIMAN *and* RACING VICTORIA STEWARDS**

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**Date of Hearing:** 13 February 2018

**Heard By:** Judge Bowman (Chair)

**Appearances:** Brett Wright appeared on behalf of the stewards.  
Matt Hyland appeared on behalf of Ms Beriman.

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At Pakenham on Thursday 1 February 2018, jockey Nikita Beriman pleaded guilty to a charge under AR 137(b) which provides that:

*Any rider may be penalised if: in the opinion of the stewards, (b) he fails to ride his horse out to the end of race and/or approaching the end of the race.*

The charge relating to her ride on *Storm Boss* in Race 1 the *Spendthrift Maiden Plate* (1200m) at Pakenham. The particulars of the charge being that at she failed to ride the colt to the end of the race, in particular, over the final stride.

Ms Beriman was fined \$400.

A Notice of Appeal against the **severity of the penalty** was lodged on Thursday, 1 February 2018.

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**DECISION:** Appeal allowed.  
Penalty varied to a fine of \$300.

**TRANSCRIPT OF  
PROCEEDINGS**

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**RACING APPEALS AND DISCIPLINARY BOARD**

**HIS HONOUR JUDGE J. BOWMAN, Chairman**

**EXTRACT OF PROCEEDINGS**

**DECISION**

**NIKITA BERIMAN**

**and**

**RACING VICTORIA STEWARDS**

**RACING VICTORIA CENTRE, FLEMINGTON**

**TUESDAY, 13 FEBRUARY 2018**

MR B. WRIGHT appeared on behalf of the RVL Stewards

MR M. HYLAND appeared on behalf of Ms N. Beriman

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CHAIRMAN: Ms Nikita Beriman is appealing against the severity of the penalty of \$400 imposed on her for a breach of AR 137(b), in that she failed to ride out her mount, Storm Boss, at the end of race 1 at Pakenham on 1 February 2018, particularly over the final stride. As stated, she has pleaded guilty to the charge but is appealing against penalty.

Storm Boss finished fifth and was beaten to fourth by approximately a short half-head. Mr Wright, on behalf of the Stewards, stated that the Stewards could not be satisfied that the failure to ride out cost Storm Boss fourth place, but emphasised the short margin. Mr Matt Hyland, on behalf of Ms Beriman, emphasised how close Ms Beriman was to the centre of the large finishing post at Pakenham when she ceased to ride vigorously. He also placed emphasis upon her very good record in relation to offences under this rule.

Whether or not anyone can be satisfied that the failure to ride out in fact cost Storm Boss fourth place, jockeys must ride their mounts out to and through the line. There is first-four betting; there is a difference in prizemoney from fourth to fifth, even if in this instance it would not have been great; owners and, in this instance, particularly punters, are entitled to be satisfied that all horses are ridden out fully to the line.

I have taken into account Ms Beriman's good record and her early plea of guilty. The fact remains that she failed to ride out her mount to and through the line and was beaten a short half-head for fourth.

I think a fine is warranted. Ideally, there should be some consistency in imposing penalties, although that is not always possible to obtain, particularly apparently in relation to this rule. But I note three recent penalties, all this year, in relation to failure to ride out very close to the post.

Lester Grace was charged at Yarra Valley on 10 February last for failing to ride his mount out over the final two strides; his horse ran fourth and he was fined \$300. Brooke Sweeney was similarly charged at Moe on 2 February last; she failed to ride her mount out over the last two strides. This may have affected the placings. She was fined \$400. Jordan Grob at Geelong on 11 January 2018 failed to ride his mount out over the final two strides. He finished third, but it did not affect the placings and he was fined \$300.

In the circumstances and given that there is no certainty that the placings would have been affected, I am of the view that the appeal against penalty should be upheld and, in the interests of consistency, the fine varied to \$300.

I would add this further observation: I agree with Mr Wright, on behalf of the Stewards, that there would appear to be a very noticeable upsurge in relation to breaches of this rule. It is an important rule and breaches of it have the potential to be poor for the image of racing and give rise to all sorts of complaints from punters, possibly including gossip and reflections on the honesty of racing. I am by no means saying that such reflections or gossip are warranted, but it is the importance of appearance and impression. I give due notice that whilst I have attempted to apply some consistency to the present

case, the size of penalties imposed by the Board is something which I shall consider henceforth. The appeal, in short, is allowed and the penalty varied to \$300.

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