



DECISION
RACING VICTORIA STEWARDS
and
JARROD McLEAN

- Date of Hearing** 10 December 2018
- Panel** Judge John Bowman (Chair)
- Appearances** Stephen Schmidhofer appeared on behalf of the stewards.
Patrick Wheelahan appeared on behalf of Jarrod McLean.
- Charge 1** AR 175(gg)
The Principal Racing Authority (or the Stewards exercising powers delegated to them) may penalise:
(gg) Any person who makes any false or misleading statement or declaration in respect of any matter in connection with the administration or control of racing.
- Summary** At 6:09pm on 19 October 2018 Mr McLean sent a text message to Ms Stella Stevenson (Deputy Stipendiary Steward) in which he stated:
"G'Day Stella, sorry for the late text.. We really didn't need today's meeting at Wbool!! Trap For Fools will stay oncourse at Darren's tomorrow at 4:30am ready for a 8am leave to head to Caulfield. Thanks. Jarrod"
- At 3:50am on 20 October 2018, Mr Josh McGaw, Stipendiary Steward from Racing Victoria's Compliance Assurance Team, attended Mr Darren Weir's Warrnambool Stable located at Lot 10 McGregor's Road, Warrnambool to conduct a race day stable inspection.
- During this stable inspection, Mr McGaw identified that Trap for Fools was already stabled at Mr Darren Weir's Warrnambool Stables.
- At approximately 6:45am on 20 October 2018, Mr McLean was questioned by Mr Dion Villella and Mr McGaw, both Stipendiary Stewards from Racing Victoria's Compliance Assurance Team. In that interview, Mr McLean:
- a. initially told them that Trap For Fools was brought to Mr Weir's stables the previous night between approximately 6:30pm and 7:00pm; but

b. then subsequently admitted that Trap For Fools had been stabled at Mr Darren Weir's Warrnambool Stable at the time the text message was sent to Ms Stella Stevenson (Deputy Stipendiary Steward) and had been stabled there for "a period of time" prior to that text message.

Plea

Guilty

Penalty

Mr McLean convicted and suspended until 28 January 2019.

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

JARROD McLEAN

RACING VICTORIA CENTRE, FLEMINGTON

MONDAY, 10 DECEMBER 2018

MR S. SCHMIDHOFER appeared on behalf of the RVL Stewards

MR P. WHEELAHAN appeared on behalf of Mr J. McLean

CHAIRMAN: Mr Jarrod McLean, you have pleaded guilty to a breach of AR 175(gg). In essence, the charge is that on the evening of 19 October last, you sent a text message to steward, Ms Stella Stevenson, to the effect that the horse, Trap For Fools, which was entered to run in the Coongy Cup at Caulfield the following day would stay on course at Warrnambool at the stables of Mr D.K. Weir at 4.30 am, ready for an 8 am departure to Caulfield. The fact of the matter was that Trap For Fools was already stabled at Mr Weir's premises and had been since galloping at Terang on the previous Monday. The message sent to Ms Stevenson was patently false. You later admitted that you had selected the false time of arrival at Mr Weir's stable of 4.30 am on that day "in the event that the stewards did show up".

Unfortunately for you, they did indeed show up, but at 3.50 am. Thus, the precaution that you attempted to take was unsuccessful and, in fairly quick time, the deceit was uncovered. The end result, apart from this charge, was that Trap For Fools was a late withdrawal from the Coongy Cup, a race in which you could well have featured prominently.

This is the type of breach of AR 175(gg) which at first blush may not sound like a particularly serious offence, but it does indeed strike at the heart of the integrity of racing. The Stewards must know where racehorses are to be found and where they are to be stabled, particularly in the context of an immediately upcoming race. They should be notified accurately of any movement of horses that are entered to run, and generally. There are matters such as race-day inspections to be conducted and these are directly aimed to ensure that offences

such as race-day administration are detected.

It is of great importance to the image of racing that the Stewards are able to perform such race-day inspections, and the failure to provide accurate information and to in fact provide wilfully misleading information strikes at the heart of the integrity that the Stewards are trying to protect.

You have pleaded guilty to this offence and you are entitled to the benefit of that plea. You did not immediately plead guilty, but did so when it was apparent that the jig was up. You later admitted - it not being apparent that the Steward, Mr Villella, already knew the answers to the questions he was putting to you - that you would have "ran" with what you were trying to cover up. You will get the benefit of the plea of guilty, not stated immediately, but after a comparatively brief time and when the outcome of the investigation must have seemed inevitable.

I also take into account the outcome of the late withdrawal of a very talented horse from a Group 3 event on Caulfield Cup Day. There were doubtless some very disappointed connections to whom an explanation had to be given.

I also appreciate the somewhat complex stabling arrangements with Mr Weir for whom you are, as I understand it, the Warrnambool-based foreman, but with an entitlement to have a small number of horses trained by yourself.

Whilst that may complicate things, it does not excuse your behaviour on this occasion.

You do not come before me with an unblemished record. In 2006 you were found guilty of making false statements during a stable inspection. This was a breach of the same rule with which we are now dealing and, in a factual context, it appears to have some marked similarities to the present situation.

In 2013 you were disqualified for six months for a breach of AR 175(h)(ii).

The facts of this are not known to me but I assume that it related to the administration of a prohibited substance. There are various other previous penalties that have been imposed for far less serious offences and which I leave to one side.

Mr Wheelahan on your behalf has asked that a fine be imposed, whilst Mr Schmidhofer on behalf of the Stewards has sought a period of suspension.

This was a quite wilful deliberate attempt to mislead the Stewards as to the location of a prominent horse due to run at a major meeting and has the capacity to damage the image and integrity of racing at a time when it is in the spotlight. Even if that were not so, it has the capacity to damage racing's image and is something that, as you have admitted, you would have ran with if it had not been detected.

There is a need for general deterrence and, bearing in mind your record, specific deterrence. In my opinion, a period of suspension is warranted. You are suspended until 28 January 2019, on which date you can resume training.

That is a period of approximately seven weeks. It allows you to resume training, as I say, on 28 January 2019.
