



**Racing
Victoria**

**RACING APPEALS
AND
DISCIPLINARY BOARD**

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DECISION

**RACING VICTORIA STEWARDS
and
LESIA MASNYJ**

Date of Hearing 5 March 2018

Heard by Judge Bowman (Chair)

Appearances Stephen Schmidhofer appeared on behalf of the stewards
Andrew Nicholl appeared on behalf of Ms Masnyj

Charge AR 178E(1)

Notwithstanding the provisions of AR 178C(2), no person without the permission of the Stewards may administer or cause to be administered any medication to a horse on race day prior to such horse running in a race.

Summary The particulars are that on 15 February 2018, Ms Masnyj administered, or caused to be administered, approximately 5ml of Omoguard paste and 40ml of Pro Dosa Boost paste to *Mr Drew* which was entered to run in Race 2 at Yarra Valley that day.

Plea Guilty

Decision Ms Masnyj convicted and her licence to train suspended for a period of 3 months with that period wholly suspended for a period of 12 months providing Ms Masnyj commits no further breach of AR 178E(1) during the 12 month period.

Ms Masnyj fined \$1500, payment terms 30 days.

The Board noted that Ms Masnyj has agreed to undertake professional development as to her duties and obligations as a trainer.

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

HIS HONOUR JUDGE J. BOWMAN, Chairman

EXTRACT OF PROCEEDINGS

DECISION

RACING VICTORIA STEWARDS

and

LESIA MASNYJ

RACING VICTORIA CENTRE, FLEMINGTON

MONDAY, 5 MARCH 2018

MR S. SCHMIDHOFER appeared on behalf of the RVL Stewards

MR A. NICHOLL appeared on behalf of Ms L. Masnyj

CHAIRMAN: Ms Lesia Masnyj, you have pleaded guilty to a charge of administering to the horse, Mr Drew, which is trained by you, two substances on 15 February 2018. That was a race day. Mr Drew was entered in race 2, the 1000-metre maiden at Yarra Valley on that day. That there had been administration was established at a routine race-day stable inspection. The substances were approximately five mls of Omoguard used for the treatment of gastric ulcers and the like, and 40 mls of Pro-Dosa Boost which can be described as a type of vitamin supplement, along with other substances in it.

You have pleaded guilty at the earliest possible opportunity, namely during the stable inspection. The substances were administered at your stables. Race-day administration is a serious offence which is a breach of AR 178E. A period of six months' disqualification must be imposed unless special circumstances exist within the meaning of Local Rule 73A. A special circumstance includes pleading guilty at an early stage. As stated, you pleaded guilty at the earliest possible stage and I am satisfied that a special circumstance has been made out. Accordingly, the penalty may be reduced from the otherwise automatic six-month disqualification.

In presenting material on your behalf, Mr Nicholl also relies on Local Rule 73A(d), that is, the circumstances may be deemed or considered to be special and I agree with that proposition, but reliance on Local Rule 73A(b), the early of plea of guilty, would be sufficient to constitute a special circumstance in any event.

I appreciate that you have only held a restricted trainer's licence since July last, although you have long loved horses and have worked at stables. You have only two horses at the moment and you have an interest in each of them. You are not training for a living. Another two horses currently unnamed will be with you shortly. I accept that you are profoundly sorry for the error that you made. I also accept that the manufacturer's instructions in relation to the Pro-Dosa Boost referred to administration four hours before an event. I also appreciate that there was no offence in relation to a failure to record the administration of medication.

However, as you have acknowledged, the ultimate responsibility is yours. The message needs to be repeatedly sent to the training community that race-day administration will not be tolerated. It sends the wrong image to the wider community as well as being a serious offence in itself.

You have a lot of things in your favour in the present case and that includes your obvious regret and remorse as to the errors you made. There are also powerful references which have been put before me.

My overall conclusion is that I will impose penalties that are broadly in line with what was discussed during submissions and during the hearing. I am also of the view that, whilst two substances were involved, there are special circumstances and this could be called a unique case.

You will be fined \$1500. You are suspended for a period of three months but that suspension is in turn suspended for a period of 12 months. It is also recorded that you agree to undertake professional development as to your duties and obligations as a trainer by having regular meetings with other trainers at Kilmore where you are based. The terms of that professional development can be worked out with the Stewards. There will be 30 days in relation to the payment of the fine.
