



## **DECISION**

### **RACING VICTORIA STEWARDS *and* TRENT PENNUTO**

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<b><u>Date of Hearing</u></b>	23 August 2017
<b><u>Panel</u></b>	Judge Bowman (Chair), Josh Bornstein (Deputy), Stephen Curtain.
<b><u>Appearances</u></b>	James Ogilvy appeared on behalf of the RV Stewards. Brad Penno of Counsel appeared on behalf of Mr Pennuto.
<b><u>Charge</u></b>	AR 64G(2)  <i>(2) Any person who, without the permission of the stewards: (a) stomach-tubes a horse, or (b) attempts to stomach-tube a horse; contrary to this rule, commits an offence and may be penalised.</i>
<b><u>Summary</u></b>	At all relevant times, Trent Pennuto was the licensed trainer of <i>Chatober</i> .  On 25 May 2017 at approximately 3.00pm during a race day stable inspection, members of the Compliance Assurance Team arrived to find Mr Pennuto in the process of stomach-tubing the horse <i>Chatober</i> prior to its engagement to run in Race 10 at Moe racecourse at 4.30pm that day.
<b><u>Plea</u></b>	Guilty.
<b><u>Decision</u></b>	Mr Pennuto convicted and disqualified for a period of 6 months, effective immediately. In the event that Mr Pennuto is re-licensed after the period of disqualification, the Board orders that his licence to train be suspended for a period of 3 months.

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# **TRANSCRIPT OF PROCEEDINGS**

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## **RACING APPEALS AND DISCIPLINARY BOARD**

**HIS HONOUR JUDGE J. BOWMAN, Chairman  
MR J. BORNSTEIN, Deputy Chairman  
MR S. CURTAIN**

## **EXTRACT OF PROCEEDINGS**

## **DECISION**

## **RACING VICTORIA STEWARDS**

**and**

## **TRENT PENNUTO**

## **RACING VICTORIA CENTRE, FLEMINGTON**

**WEDNESDAY, 23 AUGUST 2017**

MR J. OGILVY appeared on behalf of the RVL Stewards

MR B. PENNO appeared on behalf of Mr T. Pennuto

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CHAIRMAN: Trent Pennuto, you have pleaded guilty to a charge pursuant to AR 64G(2)(a), that at the licensed training premises of Paul and Tracey Templeton on 25 May 2017 you stomach-tubed a horse, Chatober, which was that day entered to run in race 10 at Moe racecourse. You say at the outset that absolutely no blame attaches to the Templetons. They had kindly permitted you to use two boxes at their stables for the runners you had that day at Moe. They were not present when the stomach tubing took place and you said without reservation that they were not only not present when it happened, they also knew absolutely nothing about it. I understand the whole affair has caused them considerable stress.

You were assisted in the stomach tubing by your stablehand, Mr David Price, who is here today and who has also pleaded guilty to a similar charge. However, we accept that the stomach tubing was your idea and that Mr Price showed some reluctance to participate in it, and that he was at the time your employee. There has since been something of a falling-out between you.

Pursuant to AR 196(5), being guilty of a breach of AR 64G(2) carries with it a penalty of disqualification of not less than 12 months unless special circumstances exist, whereupon the penalty is at large. A plea of guilty at an early stage is such a special circumstance. After a little shilly-shallying, you effectively admitted guilt and took responsibility on the day of the offence.

We note the submission of Mr Ogilvy to the effect that being caught red-handed, you really had no option but to plead guilty. There is some force

in that. The fact remains that you did plead guilty at virtually the earliest possible opportunity and we find that a special circumstance does so exist. We are also conscious of the psychological material put before us and would find that a special circumstance would also exist pursuant to AR 196(5)(c)(i) and (ii). In any event, we are at large on the question of penalty.

We note the submissions made by your barrister, Mr Penno. We also note that you had gone to the trouble of engaging solicitors, a barrister, and have seen a psychologist on a number of occasions. We also note your impecunious situation and the domestic stress which you were under. You effectively live out of a car near a storage facility.

Race-day stomach tubing is a very serious matter. It is an attempt to destroy the level playing field and obtain an unfair advantage. It is damaging to the image of racing and is an attack upon its integrity. General deterrence is an important consideration. The industry must get the message that race-day stomach tubing will not be tolerated. We also note your good, clean record; that is to your credit. We take into account the most unfortunate circumstances that have occurred in your private life. However, as stated, general deterrence and the image of racing are very important considerations.

We have weighed up all these factors. The conclusion is that immediately from this date, you are disqualified for a period of six months, to be followed by a period of suspension of three months in the event of you being relicensed following the period of disqualification.

That you should be disqualified for at least six months seems to be required. The further three-month suspension to follow that period of disqualification gives you the opportunity to reconnect with the industry whilst not actually training.

That is the penalty at which we have arrived. As I say, we are uncertain as to whether any time is required to move horses to vacate the stables. It is something that can be discussed. But what we emphasise is that any period or the period from 25 May when you have not been nominating horses is not to be offset against the period of the penalties that we have imposed. It commences from today or as soon as the horses can be moved out of the stables.

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