

Racing Appeals and Disciplinary Board 400 Epsom Road Flemington VIC 3031 Telephone: 03 9258 4773 radboard@racingvictoria.net.au

# APPEAL DECISION

#### **BRIAN PARK**

and

#### **RACING VICTORIA STEWARDS**

Date of Hearing: 1 April 2019

Heard By: Judge Bowman (Chair)

**Appearances:** Rob Montgomery appeared on behalf of the Stewards. Matt Hyland of the VJA appeared on behalf of Brian Park.

At Mornington on 23 March 2019, rider Brian Park was found guilty of a charge of careless riding (under the provisions of AR 131(a)), on his mount *Taberna* in Race 9 the Steller Guineas (1600m).

The particulars of the charge being, "that near the 250 metres he permitted his mount to shift out when insufficiently clear of *Star Missile*, which was tightened onto *Starouz*, steadied and lost its rightful running."

Brian Park had his licence to ride in races suspended for a total of twelve meetings to commence midnight 24 March 2019 and to expire midnight 4 April 2018. (3 metro, 9 provincial).

In assessing penalty Stewards were of the view the carelessness was in the mid-range category and took into account his record.

A Notice of Appeal against **the decision and severity of the penalty** imposed was lodged on 25 March 2019.

A stay of proceedings was requested.

DECISION: Appeal dismissed.

Suspension to commence midnight 1 April 2019 and to expire midnight 10 April 2019.

Grace Gugliandolo Registrar Racing Appeals & Disciplinary Board

# TRANSCRIPT OF PROCEEDINGS

## RACING APPEALS AND DISCIPLINARY BOARD

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

### EXTRACT OF PROCEEDINGS

DECISION

### **BRIAN PARK**

- and -

### **RACING VICTORIA STEWARDS**

### **RACING VICTORIA CENTRE, FLEMINGTON**

#### MONDAY, 1 APRIL 2019

MR R. MONTGOMERY appeared on behalf of the RVL Stewards

MR M. HYLAND appeared on behalf of Mr B. Park

CHAIRMAN: Mr Brian Park, you have been charged with careless riding, in that at Mornington on 23 March 2019 in the Steller Guineas over 1600 metres, near the 250 metres or thereabouts, you permitted your mount, Taberna, to shift in when insufficiently clear of Star Missile, ridden by Nikita Beriman, which was tightened onto Starouz, ridden by Zac Spain, causing Ms Beriman to lose her rightful running.

You pleaded not guilty to the charge, but the Stewards found the charge proven and suspended you for 12 meetings. You are appealing against both the decision and the severity of the penalty.

I have viewed the videos which were shown several times during the hearing. Indeed, we saw the incident from head on, side on and a view from behind the horses. The interference occurred just as and very shortly after the horses were turning for home.

Mr Hyland, for you, has argued that Zac Spain's horse moved in for a stride or so and that Michael Dee's horse moved out, both contributing to what occurred by effectively forcing you onto Nikita Beriman's mount. That there was noticeable interference to her mount is beyond dispute. She had to take hold of her horse and stand up in the irons.

Having viewed the video several times, I am not persuaded that Zac Spain's mount contributed to the interference. Any move inward by it would seem to be slight in the extreme, if it existed at all.

I also note that after Michael Dee viewed the video during the initial inquiry, he stated - to be found at page 11 of the transcript - that he did not believe that he took you out and that he did not take you out when the incident first occurred. He stated that he may have put some pressure on you after the occurrence of the incident. I agree with his version of events.

In summary, I am of the view that the interference caused to Nikita Beriman's mount was so caused by you moving off your line in an endeavour to get out and go forward when you were not clear of Nikita Beriman and that caused the quite noticeable interference to her. I remain of the view that Zac Spain and Michael Dee did not play any significant role at the time of the interference and I find the charge of careless riding proven.

In the circumstances where there has been a full contest, the penalty imposed by the Stewards which is in the middle of the mid-range was a reasonable one and the appeal is dismissed.

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