

HEARING RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 26 March 2012

SUBJECT: **HEARING RESULT – TRAINER: RICK HORE-LACY**

Panel Judge Russell Lewis (Chair), Mr Brian Forrest (Deputy Chair),
Mr Darren McGee.

Appearances Mr Anthony Burns, instructed by Mr Stuart Winter of SV Winter & Co,
appeared as Counsel for Mr Hore-Lacy.

Mr Dayle Brown appeared on behalf of the Stewards.

Charge Breach of AR 175(q) – improper conduct.

The charge relating to an incident that took place at Mr Hore-Lacy’s
Caulfield training premises on 13 December 2008.

Plea Guilty.

Decision Mr Hore-Lacy convicted and fined the sum of \$5,000, to be paid on or
before 31 July 2012.

TRANSCRIPT OF PROCEEDINGS

RACING APPEALS AND DISCIPLINARY BOARD

HIS HONOUR JUDGE R.P.L. LEWIS, Chairman
MR B. FORREST, Deputy Chair
MR D. McGEE

EXTRACT OF PROCEEDINGS

DECISION

TRAINER: RICK HORE-LACY

MELBOURNE

MONDAY, 26 MARCH 2012

MR D. POULTON appeared on behalf of the RVL Stewards

MR A. BURNS (instructed by S.V. Winter and Co) appeared on behalf of
Mr R. Hore-Lacy

CHAIRMAN: Richard Hore-Lacy, you have pleaded guilty to a charge of improper conduct, such conduct being an indecent assault upon a female known as Miss J on 13 December 2008. The circumstances were as follows: you are and were a licensed trainer occupying premises known as Spartacus Lodge at Caulfield. At the time of the incident, you were aged 69 years and Miss J was aged 20 years. The narrative is then taken up in the statement of agreed facts which have been tendered in evidence.

You have no previous record of any relevant offence and you have admitted guilt at the earliest opportunity, thus sparing the victim having to give evidence and being cross-examined. The Board accepts that you are genuinely remorseful. The Board accepts that you are unlikely to reoffend. The Board accepts that the offence was opportunistic, although there was an element of deception involved.

The Board also takes into account the considerable delay between the time of the offence and this hearing. The Board accepts that you have been under considerable stress as a result of the delay, which was not of your making. Nevertheless, this was a serious breach of AR 175(q). You were Miss J's employer, a high-profile trainer. In behaving as you did, you breached the trust which should exist between employer and employee. Further, your actions represented an abuse of power as an employer towards a young woman who had only recently resumed employment with you. Your conduct was not only reprehensible but was disgusting.

Denunciation of such conduct is an important sentencing principle, but more so is the principle of general deterrence. Indecent assaults of this kind warrant meaningful punishment. In reaching a decision as to what is appropriate, the Board also takes into account the effect on the victim of the assault. There is no doubt that Miss J was significantly traumatised by her experience and the effects of her experience are ongoing. Her statement dated 26 March 2012 was not challenged.

The Board paid close attention to the submissions of counsel for the stewards, Mr Poulton, and counsel for you, Mr Burns. The Board agrees that in the circumstances, a financial penalty is appropriate and such a penalty should reflect the seriousness of this offence. In the Board's opinion, the appropriate penalty in this case is the sum of \$5000. The amount of the fine is to be paid on or before 30 July 2012.
