



**RACING APPEALS
AND
DISCIPLINARY BOARD**

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DECISION
RACING VICTORIA STEWARDS
and
ROBERTO CAGIGAS

Date of Hearing: 5 August 2016

Panel: Judge Bowman (Chair).

Appearances: Mr Daniel Bolkunowicz appeared on behalf of the stewards.
Mr Greg Eurell appeared on behalf of Mr Cagigas.

Charges 1 & 2 Breach of AR 175(q)

The Committee of any Club or the Stewards may penalise any person who in their opinion is guilty of any misconduct, improper conduct or unseemly behaviour.

Charge 1 relates to a physical altercation involving Mr Cagigas which took place at the training premises of Greg Eurell on 23 November 2015.

Charge 2 relates to physical altercation involving Mr Cagigas which took place at the Cranbourne Training Centre on 12 May 2016.

Plea: Guilty - both charges.

Decision: Charge 1 - Mr Cagigas convicted and warned off for a period of 6 weeks.
Charge 2 - Mr Cagigas convicted and warned off for a period of 2 weeks.

A total period of 8 weeks, effective immediately.

Georgie Gavin
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

ROBERTO CAGIGAS

MELBOURNE

FRIDAY, 5 AUGUST 2016

MR D BOLKUNOWICZ appeared on behalf of the RVL Stewards

MR G. EURELL appeared on behalf of Mr R. Cagigas

CHAIRMAN: Mr Roberto Cagigas, you have pleaded guilty to two breaches of Australian Rule 175(q), in that you engaged in misconduct, improper conduct or unseemly behaviour on each occasion. On 23 November 2015, you headbutted fellow stablehand, Mr Clayton Fraser, breaking his nose. On 12 May 2016, you punched trainer Mr John Griffiths to the head, causing bleeding around his ear.

As I indicated during the hearing, I regard the earlier incident as being the more serious. It was virtually an unprovoked assault which broke the victim's nose and required him to obtain medical treatment. The second incident occurred against a history of some antagonism between you and Mr Griffiths and, whilst a nasty incident, was not as serious as the assault upon Mr Fraser.

These are very serious offences. Arriving at penalty, I take into account the following factors: (1) you have pleaded guilty to each charge. That saves the board considerable time and inconvenience and effectively expresses some remorse.

(2) You are under very considerable domestic stress. Your partner suffers from a grave and life-threatening illness. It would seem that at some stage, you took an overdose and your life was essentially saved by your employer, Mr Greg Eurell. You have been extremely loyal to him ever since. You and your partner reside at a cottage on a house block owned by Mr Eurell that is not on the racecourse.

(3) At the moment you are an unlicensed person. That is because of administrative problems relating to a change of premises by Mr Eurell. It is your intention to be relicensed and Mr Eurell has stated that he will continue to employ you.

(4) You have hanging over you Magistrates' Court proceedings in relation to the earlier incident as the police have charged you concerning it. It has been hanging over you for some time which has doubtless added to the stress upon you. Ultimately you preferred to have the matter dealt with today, rather than awaiting the outcome of the Magistrates' Court hearing on 20 August next.

(5) No prior misbehaviour has been alleged against you.

(6) I have considered the penalties imposed in relation to similar offences over the years.

(7) As the two offences arise from totally separate incidents, current penalties do not seem to me to be appropriate, but the totality of sentencing is to be borne in mind.

(8) I accept that your financial position is one of little or no money.

(9) I have already indicated that these are serious offences, and something over and above a fine is warranted.

As you are an unlicensed person, a warning-off for each offence seems to me to be the appropriate penalty. In summary, both specific and general deterrence must be considered. This sort of behaviour is improper, unseemly and presents a very poor image of the racing industry.

In relation to the offence, on 23 November 2015, you are warned off for a period of six weeks. In relation to the incident of 12 May 2016, you are warned off for a period of two weeks. Thus, the total period of warning off is eight weeks. That may seem a somewhat lenient penalty, but is taking into account the extreme domestic stress which you have been subject to. I would also strongly advise that you receive some counselling in relation to anger management.
