



APPEAL RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 19 June 2013

SUBJECT: **APPEAL HEARING RESULT – TRAINER: MICHAEL KENT**

Panel Judge Russell Lewis (Chair), Mr Stephen Curtain, Mr Bill Kneebone.

Appearances Mr Kent appeared on his own behalf.
Mr James Ogilvy appeared on behalf of the Stewards.

At a Stewards inquiry on Tuesday 21 May 2013, trainer Michael Kent was found guilty of two charges under AR 175(k) and pleaded guilty to three charges under AR 64H.

Mr Kent was fined the sum of \$2,000 on each of the two charges under AR 175(k) and \$1,000 on each of the three charges under AR 64H – a total of \$7,000.

Pursuant to AR 47 Stewards also disqualified *Cheddington* as 2nd placegetter from Race 7 at Moonee Valley on 3 December 2010 and disqualified *Caribbea* as 2nd placegetter from Race 3 at Moonee Valley on 10 December 2010.

The particulars of the five charges are as such:

- **Charge 1** – Mr Kent did subject *Cheddington* to shock wave therapy on return to his stable following that gelding's participation in Race 7 at Moonee Valley at 9.45pm on 26 November 2010, and did race that gelding in the seven days following such treatment at Moonee Valley on 2 December 2010 at 7.15pm in Race 2, where it was placed second in that event.
- **Charge 2** – Mr Kent did subject *Caribbea* to shock wave therapy at his stable on 5 December 2010, and did race that mare in the seven days following such treatment at Moonee Valley on 10 December 2010 in Race 3, where it was placed second in that event.
- **Charge 3** – Mr Kent did subject *Cheddington* to shock wave therapy at his stable on 22 January 2011, and did officially trial that gelding in the seven days following such treatment at Cranbourne on 24 January 2011.
- **Charge 4** – Mr Kent did subject *Dapoint* to shock wave therapy at his stable on 23 June 2011, and did officially hurdle trial that gelding in the seven days following such treatment at Cranbourne on 24 June 2011.

- **Charge 5** – Mr Kent did subject *Domesky* to shock wave therapy at his stable on 3 August 2011, and did officially trial that gelding in the seven days following such treatment at Cranbourne on 8 August 2011.

A Notice of Appeal against **the decision and severity of the penalty** in relation to Charges 1 and 2 and the **severity of the penalty** in relation to Charges 3-5 was lodged on Friday, 24 May 2013.

DECISION:

Charge 1 - Appeal allowed.

Cheddington to retain 2nd placing in Race 7 at Moonee Valley on 3 December 2010.

Charge 2 - Appeal against decision dismissed. Appeal against severity of penalty allowed.
Penalty varied to a fine of \$1750.

Caribbea disqualified as 2nd placegetter from Race 3 at Moonee Valley on 10 December 2010.

Charge 3 - Appeal allowed. Penalty varied to a fine of \$750.

Charge 4 - Appeal allowed. Penalty varied to a fine of \$750.

Charge 5 - Appeal allowed. Penalty varied to a fine of \$750.

Total of \$4,000 due on or before 31 July 2013.

Georgie Gavin
Registrar - Racing Appeals & Disciplinary Board

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman
MR S. CURTAIN
MR W. KNEEBONE**

EXTRACT OF PROCEEDINGS

DECISION

TRAINER: MICHAEL KENT

MELBOURNE

WEDNESDAY, 19 JUNE 2013

MR J. OGILVY appeared on behalf of the RVL Stewards

MR M. KENT appeared on his own behalf

CHAIRMAN: In relation to Charge 1, the Board is satisfied that the rule in its then form was ambiguous in its terms. The Board is not satisfied that it should accept the Stewards' interpretation of the rule and that the Appellant is entitled to the benefit of the ambiguity. Accordingly, the appeal in relation to Charge 1 is allowed.

In relation to Charge 2, the Board takes into account the cooperation of Mr Kent in providing records to the Stewards and takes into account his plea of guilty today, albeit it is a late plea. In the circumstances, the Board varies the fine from \$2000 to \$1750. Under the rules, Caribbea must be and is disqualified.

In relation to each of Charges 3, 4 and 5, the Board takes into account Mr Kent's cooperation and his early pleas of guilty made known at the stewards' hearing. The fines in relation to Charges 3, 4 and 5 are varied each to the sum of \$750. The total financial penalty is therefore \$4000.
