

HEARING RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 25 October 2011

SUBJECT: **HEARING RESULT – TRAINER: LEN XUEREB**

Panel Judge Russell Lewis (Chair), Mr Chris Enright, Professor Raymond Harbridge.

Appearances Mr Xuereb appeared on his own behalf.
Mr Dayle Brown appeared on behalf of the Stewards.

Charge 1 Breach of AR 178

The particulars of the charge being that a prohibited substance, being caffeine and its metabolite Theophylline, were detected in a urine sample taken from the horse *Scenic Find* following its win in Race 5 the *Schweppes Highweight Gippsland Middle Distance Series Handicap, Heat 4* (1750m) at Pakenham on Saturday, 16 July 2011.

Charge 2 Breach of AR 178

The particulars of the charge being that a prohibited substance, being caffeine and its metabolites Theophylline, Paraxanthine and Theobromine, were detected in urine sample taken from the horse *Scenic Find* following its win in Race 8 the *Locked Transport Gippsland Middle Distance Series Final 0-78 Handicap* (1736m) at Sale on Sunday, 31 July 2011.

Plea Charge 1 - guilty.
Charge 2 - guilty.

Decision **Charge 1**

Mr Xuereb convicted and fined the amount of \$2,000.

Pursuant to AR 177 *Scenic Find* disqualified as winner of Race 5 the *Schweppes Highweight Gippsland Middle Distance Series Handicap, Heat 4* (1750m) at Pakenham on Saturday, 16 July 2011 and the places amended as follows:

1st – *Rael Rules*, 2nd – *Runs to Rule*, 3rd – *Sendari*, 4th – *Dava Boy*,
5th – *Master Dual*, 6th – *Zaccheus*, 7th – *Tuskegee Bomber*, 8th – *Zampezz*,
9th – *Lots of Smacks*, 10th – *Dukedom*, 11th – *Why Wouldya* (NZ).

Decision (cont) Charge 2

Mr Xuereb convicted and fined the amount of \$2,000.

This fine to be paid concurrently with the fine imposed for Charge 1 so that the total amount is \$2,000.

Pursuant to AR 177 *Scenic Find* disqualified as winner of Race 8 the *Locked Transport Gippsland Middle Distance Series Final 0-78 Handicap* (1736m) at Sale on Sunday, 31 July 2011 and the places amended as follows:

1st – Skybee, 2nd – Flash Cadillac, 3rd – Black Artois, 4th – Haka Brave (NZ), 5th – Dolly Dolly (NZ), 6th – Bubbles All Round, 7th – Viallico (NZ), 8th – Mr Molokai (NZ), 9th – Cip Cip Hooray, 10th – Runs to Rule, 11th – Mistaken Grace, 12th – Booker Darri.

Georgie Curtis
Registrar - Racing Appeals and Disciplinary Board

TRANSCRIPT OF PROCEEDINGS

RACING APPEALS AND DISCIPLINARY BOARD

**JUDGE RUSSELL LEWIS (CHAIRMAN)
MR CHRIS ENRIGHT
PROFESSOR RAYMOND HARBRIDGE**

IN THE MATTER OF: LEN XUEREB – BREACH OF AR178

EXTRACT OF PROCEEDINGS

DECISION

MELBOURNE

TUESDAY, 25 OCTOBER 2011

MR D BROWN appeared on behalf of the Stewards
MR L. XUEREB appeared on his own behalf

CHAIRMAN: I don't think we'll ask the parties to retire, I'll just confer with my members here. Well Mr Brown, one other matter which we considered, any financial penalty we impose I think should be concurrent, because when
5 the second race was run, he didn't know that the horse had tested positive to Collovet.

MR BROWN: Yes, yes.

10 CHAIRMAN: So, on each charge Mr Xuereb is fined the sum of \$2,000 which sum is to be paid concurrently, in other words total penalty in effect is \$2,000. Now would you like some time to pay Mr Xuereb?

MR XUEREB: I'll be okay Sir.

15 CHAIRMAN: You can find the \$2,000?

MR XUEREB: Yes Sir.

20 CHAIRMAN: Yes, well make sure you do because if you don't, you can go onto the forfeit list and in essence its disqualification, you understand that?

MR XUEREB: Yes Sir.

25 CHAIRMAN: Okay, yes thank you.

MR BROWN: Thank you Mr Chairman.

CHAIRMAN: Yes and of course both horses are, the horse is disqualified in
30 relation to the races. Just before you go Mr Brown, could I see you.

MR BROWN: Yes certainly.

CHAIRMAN: Thank you Mr Xuereb.

35 MR XUEREB: Thank you Sir.

MATTER ADJOURNED ACCORDINGLY.
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