



HEARING RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 29 May 2015

SUBJECT: **HEARING RESULT – TRAINER: PETER GELAGOTIS**

Panel Judge Russell Lewis (Chair), Mr Josh Bornstein (Deputy), Mr Chris Fox.

Appearances Dr Cliff Pannam QC instructed by James Ogilvy appeared on behalf of the stewards.

Mr Terry Fraser appeared as counsel for Mr Gelagotis.

Charge Breach of AR 178E(1)

Notwithstanding the provisions of AR 178C(2), no person without the permission of the Stewards may administer or cause to be administered any medication to a horse on race day prior to such horse running in a race.

The particulars of the charge being that on 5 May 2015 Mr Gelagotis administered or caused to be administered orally BC5 (a branch chain amino acid) to the horse *Axis Point* which was engaged to run in Race 9 at Warrnambool that day.

Plea Guilty.

Decision Mr Gelagotis convicted and suspended for a period of three months commencing from midnight Friday 5 June 2015.

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman
MR J. BORNSTEIN, Deputy Chairman
MR C. FOX**

EXTRACT OF PROCEEDINGS

DECISION

TRAINER: PETER GELAGOTIS

MELBOURNE

FRIDAY, 29 MAY 2015

DR C.L. PANNAM QC appeared on behalf of the RVL Stewards

MR T. FRASER appeared on behalf of Mr P. Gelagotis

CHAIRMAN: Mr Peter Gelagotis has pleaded guilty to a charge laid under Australian Rule 178E(1), in that he administered medication to a horse on race day prior to the horse running in a race. The medication was BC5, a branched chain amino acid supplement. It is commercially produced by Ranvet Pty Ltd. It is administered orally by syringe and is primarily a muscle recovery aid.

The essential facts are that early in the morning of 5 May 2015, two Stewards, members of the Racing Victoria Compliance Assurance Team, namely Messrs Stevens and Quintner, arrived unannounced at the stable premises at Warrnambool where horses trained by Mr Gelagotis were stabled during the Warrnambool racing carnival. One of Mr Gelagotis's horses, namely Axis Point, was engaged to run in race 9 that day.

During their inspection, Stewards noticed five full syringes of BC5 in a bucket. They took photographs of the bucket and its contents and left the premises. Between 1.30 and 2 pm, the team members returned to the stables. They met Mr Gelagotis and then proceeded with him to the horse's box. On inspection of the horse, they found white paste residue around the horse's mouth, more noticeable in the corner of its mouth. Mr Gelagotis denied that he had administered the paste that morning, saying that he had given it to the horse the previous evening.

In this case, Dr Pannam, one of Her Majesty's counsel, appeared on behalf of the Stewards, and Mr Fraser, solicitor, appeared on behalf of Mr Gelagotis.

When the matter was called on for hearing, Mr Fraser announced that his client would plead guilty to the charge. After hearing submissions from the parties, the Board is satisfied that the plea of guilty was an early plea within the meaning of Local Rule 73A and therefore that a special circumstance had been established. That being so, the mandatory penalty of six months' disqualification does not apply and a lesser penalty is appropriate.

Mr Fraser's primary submission was that in all the circumstances, a modest fine would be the appropriate disposition, particularly having regard to Mr Gelagotis's parlous financial situation. The Board is unable to embrace Mr Fraser's submission. In the Board's opinion, a breach of this rule is a serious offence. The penalty prescribed by AR 196(5)(ix) justifies that conclusion.

Relevant sentencing considerations include general deterrence, the image of racing and the preservation of the integrity of racing. Mitigating factors include the early plea of guilty and the saving of cost and expense, and inconvenience. Although Mr Gelagotis is unable to call in aid an unblemished record, the Board is nevertheless impressed by the character evidence given on his behalf by Mr Fraser and his Mr Morgan, his accountant.

In the Board's opinion, nothing less than a period of suspension is warranted in this case. Mr Gelagotis, you are suspended for the period of three months, such period of suspension to commence from midnight, Friday, 5 June 2015.
