



HEARING RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 15 April 2015

SUBJECT: **HEARING RESULT – TRAINER: MARK RILEY**

Panel Judge Russell Lewis (Chair), Mr Darren McGee, Mr Jeremy Rosenthal.

Appearances Mr Riley appeared on his own behalf.
Mr James Ogilvy appeared on behalf of the stewards.

Charge Breach of AR 178

Subject to AR 178G, when any horse that has been brought to a racecourse for the purpose of engaging in a race and a prohibited substance is detected in any sample taken from it prior to or following its running in any race, the trainer and any other person who was in charge of such horse at any relevant time may be penalised.

The charge relates to a prohibited substance, being Meloxicam, which was detected in a post-race urine sample taken from the horse *Grand Gallop* following its win in Race 6 the *Sportius Global Events Handicap* (1200m) at Sandown Lakeside on 10 December 2014.

Plea Guilty.

Decision Mr Riley convicted and fined \$5,000.

The Board granted the stewards leave to apply.

Pursuant to AR 177 *Grand Gallop* disqualified as winner of Race 6 the *Sportius Global Events Handicap* (1200m) at Sandown Lakeside on 10 December 2014 and the places amended accordingly.

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman
MR D. McGEE
MR J. ROSENTHAL**

EXTRACT OF PROCEEDINGS

DECISION

**IN THE MATTER OF THE SPORTIUS GLOBAL EVENTS HANDICAP
OVER 1200 METRES AT SANDOWN LAKESIDE ON 10/12/14**

TRAINER: MARK RILEY

MELBOURNE

WEDNESDAY, 15 APRIL 2015

MR J. OGILVY appeared on behalf of the RVL Stewards

MR M. RILEY appeared on his own behalf

CHAIRMAN: Mark Riley, you have pleaded guilty to a charge laid under Australian Rule 178. In essence, the charge alleges that you, as the trainer of the horse, Grand Gallop, brought that horse to the races on 10 December 2014 with a prohibited substance in its system. The substance was meloxicam which is a non-steroidal anti-inflammatory drug. The drug has analgesic, anti-inflammatory and antipyretic properties.

The last recorded administration of the drug to the horse was on 29 November 2014 which would not have resulted in the positive when a sample was taken on 10 December. Two other horses in your stable were given meloxicam on 5 December 2014. It was apparently the stable practice when administering the drug orally to allow a withdrawal period of four to five days. Such a practice was deemed to be reasonable by Dr Forbes, the Racing Victoria veterinarian.

The Board is not required to find how, when or by what means the drug was administered. However, the Board is satisfied that no credible explanation has been given for the presence of the drug in the horse's system. At page 11, tab 3A, lines 5 to 10, Mr Riley said:

I have no idea why it's over. I don't even know - someone has made a mistake somewhere obviously.

Elsewhere in that same interview he said:

It's a mystery to me.

The onus is on the trainer to see to it that a prohibited substance is not present in a horse on race day. As part of his or her obligations as a licensed person, the trainer is required to put in place a system which ensures that this does not occur.

In cases such as this, the principle of general deterrence is the important sentencing consideration. The Board takes into account Mark Riley's early plea of guilty and his present financial situation. However, beyond that, it is not persuaded that any other significant mitigating circumstance has been established.

The appropriate penalty in this case is the sum of \$5000. Pursuant to Australian Rule 177, the horse, Grand Gallop, must be and is disqualified.
