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APPEAL RESULT

DISTRIBUTION:	Chief Executive Group Integrity Services Group Racing and Group Racing Development ARB, ATA, VJA Office of Racing T Moxon – National Drug Register Racing Press
FROM:	Registrar – Racing Appeals and Disciplinary Board
DATE:	11 March 2016
SUBJECT:	APPEAL HEARING RESULT – ASSISTANT TRAINER: EMMANUEL (MANNY) GELAGOTIS
Panel	Judge Bowman (Chair), Mr Stephen Curtain, Mr Darren McGee.
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AppearancesMr James Ogilvy appeared as counsel for the Stewards.Mr Damian Sheales appeared as counsel for Mr Gelagotis.

On Thursday 25 February 2016, stewards concluded an inquiry into media comments made by assistant trainer, Emmanuel (Manny) Gelagotis, after the running of the C.F Orr Stakes at Caulfield on 13 February, 2016.

Mr Gelagotis was found guilty of a charge under AR 175(j) which states that:

The Principal Racing Authority (or the Stewards exercising powers delegated to them) may penalise:

(j) Any person guilty of improper or insulting behaviour at any time towards the Committee of any Club or Association or any member thereof, or Stewards, or any official, in relation to their or his duties.

The particulars being that Mr Gelagotis posted two comments on Twitter on 13 February, 2016, and made a reference during a radio interview on 16 February, 2016, which, in the opinion of RV Stewards, was improper and/or insulting towards RV Veterinary Surgeon, Dr Brian Stewart, in relation to his duties at Caulfield on 13 February, 2016.

Mr Gelagotis was fined \$2,000 with \$1,000 suspended for a period of 12 months providing no further conduct related breaches of the Rules of Racing.

A Notice of Appeal against **the decision and severity of the penalty** was lodged on Friday, 26 February 2016.

DECISION: Appeal dismissed. Penalty to remain standing.

TRANSCRIPT OF PROCEEDINGS

RACING APPEALS AND DISCIPLINARY BOARD

HIS HONOUR JUDGE BOWMAN, Chairman MR S. CURTAIN MR D. McGEE

EXTRACT OF PROCEEDINGS

DECISION

ASSISTANT TRAINER: EMMANUEL (MANNY) GELAGOTIS

MELBOURNE

FRIDAY, 11 MARCH 2016

MR J. OGILVY appeared on behalf of the RVL Stewards

MR D. SHEALES appeared on behalf of the Appellant

CHAIRMAN: This is our unanimous decision. There seems to us to have been a constant confusing or merging of two concepts on behalf of Mr Gelagotis and those concepts are, firstly, the correctness of Dr Stewart's decision and secondly, the nature of Mr Gelagotis's behaviour. What we are looking at in this case is the behaviour of Mr Gelagotis as constituted by his comments and whether that behaviour, those comments, falls within the rule, Australian Rule 175(j).

The key question is not whether Dr Stewart was right or wrong in allowing Mourinho to run, the key question is whether Mr Gelagotis has breached Australian Rule 175(j). Did he engage in improper or insulting behaviour to Dr Stewart, who, it is conceded, is an official? Did his comments constitute this within the meaning of the rule?

In our opinion, they did. To describe an official as incompetent, "His professional conduct is disgraceful," and as a vet, "He does not know what he is doing," seems to us to be engaging in improper and insulting behaviour within the meaning of the rule and we find the offence proven.

The Board has discussed the submissions that were made. We have considered the penalties that have been applied in cases with some similarity. Our overall conclusion is that the penalty imposed by the Stewards in this case was an appropriate and fair penalty. The appeal is dismissed.