



DECISION
RACING VICTORIA STEWARDS
and
BRIAN MANN

Date of Hearing 22 November 2018

Panel Judge John Bowman (Chair)

Appearances Justin Hooper instructed by Simonette Foletti appeared on behalf of the stewards.

Damian Sheales appeared on behalf of Brian Mann.

Charge 1 AR 175

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

(a) Any person, who, in their opinion, has been guilty of any dishonest, corrupt, fraudulent, improper or dishonorable action or practice in connection with racing.

Summary The Stewards allege that between 1 July 2013 and 11 May 2016, 315 fictitious bets with a turnover of \$199,032 and a gross loss of \$941,237 were recorded by Mr Mann in the course of conducting his bookmaking business and reported to Racing Victoria. These bets were fictitious, in that there was no counterparty to the bet.

The Stewards allege that between 1 July 2013 and 11 May 2016, 507 bet-backs totalling \$1,103,000 were recorded by Mr Mann in the course of conducting his bookmaking business and reported to Racing Victoria. These bet-backs were fictitious, in that there was no counterparty to the bet-back.

The Stewards allege that between 12 May 2016 and 16 February 2017, Mr Mann made a series of false representations regarding bets-back with or through an unknown, non-licensed individual in the betting ring and the recording of those bets-back.

Plea Guilty

Penalty

Charge 1 – Mr Mann convicted and suspended for a period of 12 months. The Board orders that the suspension commence 24 November 2018.

In accordance with AR 183C the Board orders that Mr Mann shall not in any way be concerned in the operation of a bookmaker during the period of suspension.

Mr Mann is also fined the sum of \$35,000. Payment due 12 months from today's date.

Grace Gugliandolo
Registrar
Racing Appeals and Disciplinary Board

TRANSCRIPT OF PROCEEDINGS

RACING APPEALS AND DISCIPLINARY BOARD

HIS HONOUR JUDGE J. BOWMAN, Chairman

EXTRACT OF PROCEEDINGS

DECISION

RACING VICTORIA STEWARDS

and

BRIAN MANN

RACING VICTORIA CENTRE, FLEMINGTON

THURSDAY, 22 NOVEMBER 2018

MR J. HOOPER appeared on behalf of the RVL Stewards

MR D. SHEALES appeared on behalf of Mr B. Mann

CHAIRMAN: Mr Brian Mann, you have pleaded guilty to a breach of AR 175(a), namely that you are guilty of a dishonest, corrupt, fraudulent, improper or dishonourable action or practice in connection with racing. This charge is really an amalgamation of two previous charges and I commend those involved for adopting this very sensible approach.

You are a licensed bookmaker and have been so for in excess of 40 years. You field on the rails at Melbourne metropolitan meetings and you are a prominent bookmaker at leading country meetings. You could be accurately described as a leader of the ring over all these years. You have only a couple of blemishes of a minor nature against your name. You have never been suspended or disqualified and I will treat you as being a first offender. There is nothing to suggest that prior to these events, you have been anything other than of a very high character.

The offence to which you are pleading guilty could be summarised as follows: effectively, over a period of almost three years, you recorded a large number of fictitious losing bets, losing, that is, from your perspective. Again, in summary form, these were constituted by either fictitious, late-recorded cash losing bets after the running of a race or fictitious bet-backs, also being losing bets.

The total losing amount on paper exceeds \$2 million. The late bets were entered as much as two minutes or slightly more after the race had been run.

Thus, at least on paper, you were suffering from what could be described as almost horrendous losses when this was simply not occurring.

Apart from anything else, this impacted upon the levy which you should have paid by reducing it by an amount in excess of \$32,500, an amount which you have assured me will be paid this day. Of course, as stated, the fictitious losses were many times greater than that. Thus, and without going into the technical details, you operated a large-scale scheme of recording of dishonest and fake bets for almost three years.

You have pleaded guilty today and you will get credit for that, but this has not always been the case. Initially you attempted a laboured explanation that was doomed to fail. I would refer to the transcript of the stewards' interview with you on 12 May 2016. Then you effectively invented a mystery third person whom you would not name but who operated effectively as an employee or agent by placing the large number of bets back. You refused to name this person on the grounds that you did not wish to get him or her into trouble; see the transcript of the stewards' interview of 16 February 2017. It is now admitted by you that such a person and the bet-backs were fictitious. Such admission is apparently quite recent.

In short, it certainly cannot be said that you were originally remorseful and made full and frank disclosure from the outset. It cannot be said from the outset that you cooperated fully with the stewards.

I have no doubt that this whole affair has been very stressful and damaging to your reputation and standing. I am told that you have three full-time staff. I accept that this day you will pay the levy that should have been paid.

I also accept that the amounts involved were a very small proportion of your overall turnover for the three years in question. I would again refer to your standing in the profession of bookmaking, your 40 years of work and service and your clean record. All these matters will be taken into account, as shall all the impacts, financial and otherwise, that have and will accompany a period of enforced absence from bookmaking, a result which is inevitable, as is the imposition of substantial fine.

There has been considerable argument as to whether a penalty affecting your licence to operate as a bookmaker should be one of suspension or disqualification. Of course the duration of any such penalty is also a key issue. In each instance, I have been taken to the decisions in Anthony Doughty, where I was Chairman, and Simon Beasley, where Judge Lewis was Chairman. There is also some reference to the New South Wales decision involving Frank Hudson.

I regard your offending as being considerably worse than that of Anthony Doughty but certainly not as bad as that of Simon Beasley. I will not go into all the details but you were operating a semi-sophisticated scheme, falsifying your betting figures for almost three years and involving, as stated, a paper amount in excess of \$2 million.

Whether or not the argument that Anthony Doughty was providing a service, albeit alleged, has much merit; you certainly were not doing that. This was a scheme of your devising and totally and solely for your benefit.

Unlike Mr Doughty, you were not fully frank and cooperative from the outset. By the same token, the stewards frankly admit that your offending falls short of that of Simon Beasley and I would think considerably short. Anthony Doughty received a suspension, Simon Beasley received a disqualification.

I am of the view that a suspension rather than a disqualification is appropriate, but with a further order pursuant to AR 183C, that you shall not in any way be concerned in the operations of a bookmaker during the period of suspension. Your offending does not seem to me to be of such a high level as to attract the additional stigma of disqualification. Further, you have other racing interests in the form of shares in a broodmare and other horses. Your behaviour does not seem to me to be of such a level as to warrant disqualification and total exclusion from the racing industry.

There is then the issue of the duration of such suspension and the attendant order. Parity and consistency in sentencing is desirable if it can be achieved. I am of the view that your offending warrants a period of suspension somewhere between that imposed on Anthony Doughty and that on Simon Beasley. Yours is a very serious and calculated offending. The period of suspension will be one of 12 months. I note that in Anthony Doughty's case the period of suspension started seven days from the hearing date. As stated, the operation of the order under AR 183C shall coincide with the period of suspension. The period of suspension will begin midnight, Saturday, 24 November 2018.

As stated, I am also of the view that a substantial fine should be imposed. I impose a fine of \$35,000. There will be a stay of one year in relation to the payment of the fine.

I have a final observation to make. Many people, myself included, regard the presence and operation of on-course bookmakers as being an integral, traditional and very important feature of the Australian racing scene. I recently read the biography of Eric Connolly, the famous leviathan punter of the early 20th century and also at times a bookmaker and trainer. One particular thing caught my eye. In the 1920s when the population of this city would probably have been less than a quarter of its present population, the number of bookmakers fielding at Flemington on a given race day was approximately 430. Nowadays on a typical Saturday, we have comparatively a handful.

Mr Mann, the betting ring can ill afford to lose bookmakers of your calibre. Bookmakers have to be more scrupulous than ever in the conduct of their affairs. They must be ever alert to their behaviour, the requirements of the rules and their image. Many people, again myself included, do not want the on-course bookmakers to move from being a diminishing species to an extinct one.
