



**Racing
Victoria**

**RACING APPEALS
AND
DISCIPLINARY BOARD**

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DECISION

**RACING VICTORIA STEWARDS
and
DAVID PRICE**

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| <u>Date of Hearing</u> | 23 August 2017 |
| <u>Panel</u> | Judge Bowman (Chair), Josh Bornstein (Deputy), Stephen Curtain. |
| <u>Appearances</u> | James Ogilvy appeared on behalf of the RV Stewards. Mr Price appeared on his own behalf. |
| <u>Charge</u> | AR 64G (2)(d) <i>(2) Any person who, without the permission of the stewards: (d) is a party to the stomach-tubing of a horse, or an attempt to stomach-tube a horse, contrary to this rule, commits an offence and may be penalised.</i> |
| <u>Summary</u> | <p>At all relevant times, Mr Price was a registered stable employee of licensed trainer Trent Pennuto.</p> <p>At all relevant times, Mr Pennuto was the trainer of the horse <i>Chatober</i>.</p> <p>On 25 May 2017 at approximately 3.00pm during a race day stable inspection, members of the Compliance Assurance Team arrived to find Mr Price holding <i>Chatober</i> while Mr Pennuto was in the process of stomach-tubing the horse prior to its engagement to run in Race 10 at Moe racecourse that day.</p> |
| <u>Plea</u> | Guilty. |
| <u>Decision</u> | Mr Price convicted and suspended for a period of 4 months, effective immediately. |

Georgie Gavin
Registrar - Racing Appeals and Disciplinary Board

TRANSCRIPT OF PROCEEDINGS

RACING APPEALS AND DISCIPLINARY BOARD

HIS HONOUR JUDGE J. BOWMAN, Chairman
MR J. BORNSTEIN, Deputy Chairman
MR S. CURTAIN

EXTRACT OF PROCEEDINGS

DECISION

RACING VICTORIA STEWARDS

and

DAVID PRICE

RACING VICTORIA CENTRE, FLEMINGTON

WEDNESDAY, 23 AUGUST 2017

MR J. OGILVY appeared on behalf of the RVL Stewards

MR D. PRICE appeared on his own behalf

CHAIRMAN: We turn now to Mr Price. Mr David Price, you have also pleaded guilty to essentially the same offence involving the same set of circumstances as those involving Mr Pennuto. Your role in what occurred was considerably less. Mr Ogilvy, on behalf of the stewards, stated that your situation is not one that attracts the automatic minimum period of disqualification but we would have found that special circumstances exist in any event due to your early plea. As stated, you also pleaded guilty at the earliest possible time.

Your position was different. You were an employee of Mr Pennuto and, as admitted by him, receiving an order from him, he being your employer. You had a fleeting window of opportunity, as you have described it, to walk away and refuse to participate in the stomach tubing which you freely admit you should have done so. You did not, and the Stewards arrived virtually immediately. Your role is considerably less but, as pointed out by Mr Ogilvy, the same factors of general deterrence and the image of racing operate.

We note the helpful reference from your present employer, Mr Sam Pritchard-Gordon. We also note your family situation involving many children and the fact that you and your family are moving to King Island in early November. We further take into account the absence of any previous behaviour of this nature. You have a clean record. However, by reason of the factors mentioned, a period of suspension is required and you are suspended for a period of four months from this day.
