



DECISION
RACING VICTORIA STEWARDS
and
JACINTA HALL

Date of Hearing 23 August 2018

Panel Judge John Bowman (Chair)
Stephen Curtain
Chris Fox

Appearances Stephen Schmidhofer appeared on behalf of the Stewards.

No appearance was made by or on behalf Jacinta Hall.

Charge 1 AR 81A(1)(b)

(1) Any rider commits an offence and may be penalised if:

(b) he refuses or fails to deliver a sample as directed by the Stewards, or tampers with, adulterates, alters, substitutes or in any way hinders the collection of such sample or attempts to do any of those things.

Summary The Stewards allege that on Monday morning 23 April 2018, Ms Hall was riding trackwork at Warrnambool racecourse. At approximately 4.50am, she was advised by Deputy Stipendiary Steward Ms Stella Stevenson that she was required to provide a sample before trackwork concluded that morning. Ms Hall left the Warrnambool racecourse without notifying the Stewards and failed to deliver a sample as directed by the Stewards.

Charge 2 AR 175(a)

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 dishonourable action or practice in connection with racing.

Summary The Stewards allege that on Wednesday 2 May 2018, Jacinta Hall attended a Stewards inquiry at Warrnambool racecourse, regarding her failure to deliver a sample on Monday 23 April 2018. Ms Hall provided Stewards with a medical 'certificate'

dated 23 April 2018 purported to be signed by a doctor. On Thursday 24 May 2018, the doctor named on the 'certificate' confirmed via email that the 'certificate' was not issued by him. Ms Hall knew, or ought to have known, that the 'certificate' was not issued by the doctor.

Plea

Charge 1 - No plea entered (treated as not guilty)
Charge 2 - No plea entered (treated as not guilty)

Penalty

Charge 1 – The Board find the charge proved.
Ms Hall is suspended for 12 months, commencing 12.01am Friday 24 August 2018.

Charge 2 – The Board find the charge proved.
Ms Hall is;
(a) disqualified for 12 months, commencing 12.01am Friday 24 August 2018, and
(b) fined \$2,000.

Penalties for both charges are to be served concurrently for a total disqualification period of 12 months.

Payment terms 12 months.

Grace Gugliandolo
Registrar
Racing Appeals and Disciplinary Board

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

**HIS HONOUR JUDGE J. BOWMAN, Chairman
MR S. CURTAIN
MR C. FOX**

EXTRACT OF PROCEEDINGS

DECISION

RACING VICTORIA STEWARDS

and

JACINTA HALL

RACING VICTORIA CENTRE, FLEMINGTON

THURSDAY, 23 AUGUST 2018

MR S. SCHMIDHOFER appeared on behalf of the RVL Stewards

CHAIRMAN: This is a somewhat unusual case. The person charged, Ms Jacinta Hall, did not attend, has refused to answer phone calls or respond to letters, including registered mail, and as early as 28 May last, made it clear by a recorded message that she was not going to be working in the racing industry any more and had "pulled the pin on the whole thing".

Evidence was given via Mr Schmidhofer both by the Registrar and, in addition, by Mr James Hitchcock on behalf of the Stewards of the attempts to contact Ms Hall on numerous occasions and the Stewards' complete failure to obtain any acknowledgment or response. She was also called outside the hearing room and clearly was not present. In the circumstances, we had no option but to treat her as pleading not guilty to both charges and have the Stewards prove their case. We are certainly comfortably satisfied that they have done so.

Ms Hall is a licensed stablehand. She is charged with breaches of AR 81A(1)(b) and AR 175(a) of the Rules of Racing. The former charge relates to a failure to provide a sample to the Stewards when required so to do after riding trackwork at Warrnambool racecourse on 23 April 2018. She left without so doing. The excuse subsequently given was, in summary, that she was a single mother who had a person looking after her young son and she received a telephone communication to the effect that he was ill. She left hurriedly, allegedly to take him to Warrnambool Hospital, and accordingly failed to provide the required sample.

Subsequently, she was asked to provide a report or certificate from that hospital. She provided a report, apparently from a general practitioner and apparently signed by that general practitioner, this being Dr Shen. The Stewards were somewhat suspicious of the appearance of the certificate. Dr Shen's practice, when contacted by them, stated that the certificate was in essence a forgery and it had not been issued by Dr Shen. That is the substance of the charge pursuant to AR 175(a). As stated, we find both charges proven.

Ms Hall has been convicted of two prior offences that are relevant. Each relates to providing a sample which, on analysis, proved positive to marijuana. The more recent seems to have been mid-2015 when she was suspended for four months. Thus, she certainly does not have a spotless record.

These are very serious matters which strike at the heart of the Stewards' endeavours to ensure that horses are trained and ridden in the absence of prohibited substances. The present offences are even more serious, containing a mix, as they do, of a breach of the regulations relating to testing and a straight-out attempt to deceive the Stewards by a fraudulent and dishonest practice. The potential for damage to the image and integrity of racing is considerable. General deterrence is a very important issue. Specific deterrence must also be considered, given that there are two relevant prior convictions. The lesson has not been learned and Ms Hall now seems to be attempting to walk away from the whole situation.

We consider that the two offences, while separate, to be considerably interwoven. We will deal with them with concurrent rather than cumulative penalties. We are of the view that disqualification is required. On the second charge, the breach of AR 175(a), the dishonest and fraudulent behaviour, we consider this to be a particularly serious breach of the rule and Ms Hall is disqualified for a period of 12 months from midnight of this day.

On the breach of AR 81A, this is her third offence in broad terms of this nature and, as stated, interwoven with the other charge. There is a breach of the rule that requires a substantial penalty and on the breach of AR 81A, she is suspended for a period of 12 months from midnight of this date, such suspension to be concurrent with the period of disqualification imposed. So it is a total disqualification period of 12 months.

Ms Hall is also fined the amount of \$2000 on the AR 175(a) charge. We are aware of her probably difficult financial circumstances and allow a period of 12 months for the payment of the fine.
