



**Racing
Victoria**

**RACING APPEALS
AND
DISCIPLINARY BOARD**

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DECISION

**RACING VICTORIA STEWARDS
and
MARK THOMAS**

Date of Hearing 6 July 2017

Heard By Brian Forrest (Deputy Chair)

Appearances Daniel Bolkunowicz appeared on behalf of the RV Stewards.
Ross Inglis of Ryan Carlisle Thomas appeared on behalf of Mr Thomas.

Charge AR 175(q)

The Principal Racing Authority (or the Stewards exercising powers delegated to them) may penalise: Any person who in their opinion is guilty of any misconduct, improper conduct or unseemly behaviour.

Particulars The particulars of the charge are that on 9 October 2016 at the licensed stable premises of Lee and Shannon Hope, Mr Thomas initiated a verbal altercation with licensed trainer Shannon Hope whilst in possession of a firearm, constituting improper conduct.

Plea Guilty.

Decision Mr Thomas convicted and fined \$5,000. Payment terms - 60 days.

The Board noted that Mr Thomas gave an undertaking that he would not challenge the proposed decision of Victoria Police to cancel his firearm licence.

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

MR B. FORREST, Deputy Chairman

EXTRACT OF PROCEEDINGS

DECISION

RACING VICTORIA STEWARDS

and

MARK THOMAS

RACING VICTORIA CENTRE, FLEMINGTON

THURSDAY, 6 JULY 2017

MR D. BOLKUNOWICZ appeared on behalf of the RVL Stewards

MR R. INGLIS appeared on behalf of Mr M. Thomas

DEPUTY CHAIRMAN: Licensed trainer Mark Thomas has pleaded guilty to a charge under Australian Rule of Racing 175(q) of improper conduct towards trainer Shannon Hope.

At about 7 am on 9 October 2016, Mr Thomas arrived at Mr Hope's stables in Seymour, carrying a rifle. He confronted Mr Hope about text messages from Mr Hope which he had discovered on his wife's phone. He told Mr Hope to cease texting his wife. According to Mr Thomas, he had no intention to shoot Mr Hope, the rifle was unloaded, and he did not point it at Mr Hope. "My intention was to put distance between my family and Mr Hope," Mr Thomas said. Mr Hope told Stewards that he explained to Mr Thomas, who had misunderstood, that his texts had related to some food Mrs Thomas had provided the Hope family.

Contrary to Mr Thomas, three stablehands of Mr Hope said they saw Mr Thomas point the firearm at Mr Hope. The altercation which was brief but tense was not reported to police or racing authorities. Apparently it first came to the attention of Stewards in April 2017 when investigating a further incident involving Mr Thomas and Mr Hope at Seymour racecourse on 6 February 2017. During his April interview with Stewards, Mr Thomas revealed the earlier confrontation with Mr Hope in October 2016. At this point, I mention that I am aware that Mr Hope is facing a charge of improper conduct arising out of the February incident, but as that charge is yet to be heard, I make no comment on it.

In the present matter, the action of Mr Thomas when approaching Mr Hope when in possession of a rifle and when he was obviously upset was a threatening confrontation of a serious nature notwithstanding, and I accept, that the rifle was unloaded. I am satisfied the charge under AR 175(q) of improper conduct has been proven.

On the question of penalty, after consideration of all of the evidence, I think it reasonable to infer that when the altercation occurred, Mr Thomas's state of mind was unsettled. In addition to family tension, he was also troubled by a debilitating medical condition for which he was taking prescribed medication.

I accept that Mr Thomas has genuine remorse for his actions. He freely acknowledged his overreaction to a perceived family matter. Significantly to my mind, and as mentioned earlier, he was first to bring the incident to the notice of Stewards and followed with a plea of guilty.

Mr Thomas has held a trainer's licence for approximately 10 years. He gains his livelihood predominantly as a horse breaker and pre-trainer of thoroughbreds with the assistance of his wife. They have three infant children. He has no prior breaches of the Rules of Racing. A number of trainers and persons with whom he has had business dealings have provided glowing testimonials as to his character.

Following a report from Racing Victoria, Victoria Police have recently suspended Mr Thomas's firearm licence and taken possession of his firearm.

I have noted the undertaking given by Mr Thomas to the Board at this hearing that he accepts the proposed cancellation of his firearm licence and will not exercise his right to challenge that decision.

Having regard to all of the above and the submissions of Mr Bolkunowicz and Mr Inglis in regard to penalty, I am of the view that on balance, in all the circumstances of this case, disqualification or suspension of Mr Thomas's licence is not warranted. While not diminishing the seriousness of the conduct and the requirement of denunciation of such conduct, factors in mitigation have led me to the conclusion that the appropriate penalty is a fine of \$5000. There will be a stay of 60 days on payment of the fine, to be paid on or before the 6th day of September 2017.
