

RACING APPEALS AND DISCIPLINARY BOARD

400 Epsom Road Flemington VIC 3031 Telephone: 03 9258 4260 Fax: 03 9258 4848

radboard@racingvictoria.net.au

DECISION

RACING VICTORIA STEWARDS and

JIM CERCHI

Date of Hearing 29 June 2017

Heard By Judge Bowman (Chair)

<u>Appearances</u> Simonette Foletti appeared on behalf of the RV Stewards.

Andrew Nicholl of the ATA appeared on behalf of Mr Cerchi.

Charge AR 178E(1)

Notwithstanding the provisions of AR 178C(2), no person without the permission of the Stewards may administer or cause to be administered any medication to a horse on race day prior to such

horse running in a race.

<u>Particulars</u> On 8 June 2017 Mr Cerchi administered or caused to be

administered a medication, namely Chest Rub Ointment

(comparable to Vicks VapoRub), to the nostrils of *Petrov* which was engaged to run in Race 9 at Racing.com Park Synthetic that

day.

<u>Plea</u> Guilty.

Decision Mr Cerchi convicted and fined \$1,500.

Payment terms - 30 days.

TRANSCRIPT OF

PROCEEDINGS

RACING APPEALS AND DISCIPLINARY BOARD

HIS HONOUR JUDGE J. BOWMAN, Chairman

EXTRACT OF PROCEEDINGS

DECISION

RACING VICTORIA STEWARDS

and

JIM CERCHI (JNR)

RACING VICTORIA CENTRE, FLEMINGTON

THURSDAY, 29 JUNE 2017

MS S. FOLETTI appeared on behalf of the RVL Stewards

MR A. NICHOLL appeared on behalf of Mr J. Cerchi (Jnr)

CHAIRMAN: Mr Jim Cerchi, you have pleaded guilty to a breach of AR 178E(1), in that on 8 June 2017 you were the trainer of Petrov, which was entered to run in race 9 at Racing.com Park and on that day, without permission, you caused to be administered to it medication, being a chest rub ointment which you caused to be applied to its nostril which contained the prohibited substances menthol and camphor. Petrov was subsequently scratched from the event.

A breach of AR 178E is a serious offence as defined and carries with it a penalty of disqualification of not less than six months unless special circumstances, as set out in Local Rule 73A, exists. In the present case, you pleaded guilty at the earliest possible stage which is a special circumstance that will certainly be taken into account.

I am of the view that Local Rule 73A applies and that the set penalty contained in AR 196 for a six-month disqualification is not appropriate. It was submitted by Ms Foletti on behalf of the Stewards that whilst this is a low-range offence, nevertheless some culpability exists. You should have been aware that race-day administration such as this is a serious matter with potentially very serious consequences. Further, this was not a situation where the administration occurred without your knowledge and as a result of a breakdown in stable administration. You gave specific instruction that the VapoRub substance was to be applied. It may have been an honest error but it was one that should not have occurred.

.Cerchi 29/6/17

In your favour is your early plea of guilty and your complete cooperation with the Stewards. There is also your unblemished record in Victoria. The horse had to be scratched, doubtless to the disappointment of yourself and the connections. I also accept that your main thought concerned the welfare of the horse and that this was not some sort of attempt to enhance performance.

However, the message has to be sent that trainers should be particularly careful in relation to any race-day administration. It is an offence that does nothing for the image of racing.

In my opinion, a fine is appropriate. Bearing in mind the penalties imposed in other cases and the circumstances of this particular case, I am not of the opinion that anything additional to a fine is required. Bearing in mind that this was an administration you ordered and this is not a case of communication breakdown or a breakdown in stable procedures, I have fixed that fine at \$1500, 30 days for payment of the fine.

.Cerchi 29/6/17