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**DECISION**  
**RACING VICTORIA STEWARDS**  
*and*  
**SIMON BEASLEY**

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<u>Date of Hearing</u>	25 November 2019
<u>Panel</u>	Judge John Bowman (Chair), Brian Forrest (Deputy Chair) and Chris Fox.
<u>Appearances</u>	<p>Andrew Bell of Counsel instructed by Daniel Bolkunowicz appeared on behalf of the Stewards.</p> <p>Dermot Dann QC instructed by Tim Schocker (Stary Norton Halphen) appeared on behalf of Simon Beasley.</p>
<u>Charge 1</u>	<p>AR 228(b)</p> <p><i>A person must not engage in:</i></p> <p>...</p> <p><i>(b) misconduct, improper conduct or unseemly behaviour;</i></p> <p>...</p>
<u>Summary</u>	<p>Stewards allege that from 8 September 2018 to 26 January 2019, Mr Beasley engaged in misconduct, and therefore breached AR 228(b), when he:</p> <p>(a) recorded 71 bets in his ledger with no corresponding phone call on his approved telephone; and/or</p> <p>(b) recorded 8 bet quantities in his ledger that did not match the corresponding bet placed on his approved telephone; and/or</p> <p>(c) recorded 4 bets in his ledger on races where the race did not match the corresponding bet placed on his approved telephone; and/or</p> <p>(d) impersonated and/or facilitated the impersonation of 24 bets placed on his approved telephone; and/or</p> <p>(e) accepted 10 bets on his approved telephone which were not reflected in his ledger.</p>

**Plea**

Mr Beasley pleaded guilty to the charge of misconduct with respect to particulars 4(a) and 4(d).

Mr Beasley pleaded not guilty to the charge of misconduct with respect to particulars 4(b), 4(c) and 4(e), which were dismissed.

**Penalty**

Mr Beasley convicted of the Charge (on the basis of particulars 4(a) and 4(d)) and suspended from 12.01am, Thursday 28 November 2019 until 11.59pm, Tuesday 31 December 2019.

Mr Beasley is also ordered to pay a fine of \$17,500.

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Grace Gugliandolo  
Registrar  
Racing Appeals and Disciplinary Board

# **TRANSCRIPT OF PROCEEDINGS**

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## **RACING APPEALS AND DISCIPLINARY BOARD**

**HIS HONOUR JUDGE J. BOWMAN, Chairman**  
**MR B. FORREST, Deputy Chairman**  
**MR C. FOX**

## **EXTRACT OF PROCEEDINGS**

## **DECISION**

## **RACING VICTORIA STEWARDS**

**- and -**

**SIMON BEASLEY**

## **RACING VICTORIA CENTRE, FLEMINGTON**

**MONDAY, 25 NOVEMBER 2019**

MR A.M. BELL (instructed by Mr D. Bolkunowicz) appeared on behalf of the Racing Victoria Stewards

MR D.A. DANN QC (instructed by Sary Norton Halphen) appeared on behalf of Mr S. Beasley

CHAIRMAN: Mr Simon Beasley, you have pleaded guilty to two breaches of AR 228. You have admitted to engaging in behaviour that constituted misconduct, misbehaviour or unseemly behaviour, to employ the wording of the rule. Essentially you admit recording 71 bets in your ledger with no corresponding phone calls on your approved phone. This was in contravention of the terms of your licence. You also admit that you impersonated and/or facilitated an impersonation in relation to some 24 bets placed on your approved phone. In other words, rather than getting the punters involved who wanted to place bets to ring back, you and your staff engaged in a short cut of impersonation so that there was a telephone record of the bets. We would point out that this was emphasised by Mr Dann on your behalf that this was not some sort of scheme to avoid the recording of the bets so as to avoid tax or for some other reason advantageous to yourself. It was the opposite. You were entering bets when you had not gone through the proper procedure for recording them. There was no financial advantage to yourself. We accept that you were taking short cuts in order to satisfy certain clients who may possibly have been in a hurry or the like. You simply were sloppy or careless in not following the procedure required by the Stewards pursuant to your licence.

We also accept that the number of incidences involved was a very small percentage of the overall number of bets that you were taking and recording. Nevertheless, it is behaviour that must be punished. You had only returned to bookmaking for a very short time after some years of absence. Doubtless you were trying to build a clientele and keep those clients happy. We bear all of that in mind.

We also take into account the quite powerful references put before us and the details of your history, your family and the like, outlined carefully by Mr Dann. However, general and specific deterrence must be borne in mind. In relation to general deterrence, we would refer to and repeat the observations of this Board in the matters of Anthony Doughty and Brian Mann:

*Bookmakers are a threatened species. Offences such as this do further damage to their reputation.*

We would add that we also accept that your level of culpability is at a considerably lower level than that of Messrs Doughty and Mann.

In relation to specific deterrence, we refer to the fact that in 2009 you were disqualified for four years and fined for bookmaking offences that were, admittedly, far more serious than those now before us. However, that should have put you on your guard. In addition, the present offences occurred shortly after you returned to bookmaking. What has happened to you previously does not seem to have caused you to comply strictly with the terms of your licence. This is even more remarkable when, given the special conditions that were imposed, you were certain to be audited.

We are of the view that a period of suspension is warranted for these offences of not having corresponding phone calls on your approved phone and for the impersonations.

The period of suspension we impose is from midnight on Wednesday, 27 November next, to 31 December 2019. In addition, a substantial fine is appropriate and we fix that at \$17,500.

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