

RACING VICTORIA LIMITED
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RACING APPEALS AND
DISCIPLINARY BOARD



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HEARING RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: Friday, 3 September 2010

SUBJECT: **HEARING RESULT – TRAINER: MICHAEL KENT**

Panel Judge Russell Lewis (Chair), Mr Joshua Bornstein, Mr Graeme Ward.

Appearances Mr Kent appeared on his own behalf.
Mr Matthew Stirling appeared as Counsel for the Stewards.

Charge Breach of AR 178.

The charge relating to a prohibited substance, being Ibuprofen (a non-steroidal anti-inflammatory), detected in a urine sample taken from the gelding *The Pentagon* following its running in the *Andersons Country Challenge 0-68 Handicap* at Sale on Sunday, 6 June 2010.

Plea Reserved plea – however, Mr Kent did not contest the detection of Ibuprofen in *The Pentagon*.

Decision The Board finds the charge proved. Mr Kent convicted and fined the amount of \$3000. Fine due on or before 30 September 2010.

The Pentagon disqualified as winner of Race 6 the *Andersons Country Challenge 0-68 Handicap* at Sale on Sunday, 6 June 2010 and the places amended accordingly:

1st – *No Dispute*, 2nd – *Pablo's Pick*, 3rd – *Prinsom*, 4th – *Encosta Rica*,
5th – *It's Norwester (NZ)*, 6th – *Haka Brave (NZ)*, 7th – *Our Tycoon (NZ)*,
8th – *Rays Bounty (NZ)*, 9th – *Big Al Hazim (IRE)*, 10th – *Jose Amigo*.

Georgie Curtis
Registrar - Racing Appeals and Disciplinary Board

TRANSCRIPT OF PROCEEDINGS

RACING APPEALS AND DISCIPLINARY BOARD

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman
MR J. BORNSTEIN
MR G. WARD**

EXTRACT OF PROCEEDINGS

DECISION

TRAINER: MICHAEL KENT

MELBOURNE

FRIDAY, 3 SEPTEMBER 2010

MR M. STIRLING appeared on behalf of the RVL Stewards

MR M. KENT appeared on his own behalf

CHAIRMAN: In this case, the Board is satisfied that the post-race sample taken from The Pentagon contained ibuprofen which is a prohibited substance. Accordingly, the charge has been proved.

The only question remaining relates to the question of punishment. Clearly, the obligation is on the trainer to produce the horse drug-free. Mr Kent has submitted that he took all reasonable steps to achieve that situation. The Board, however, disagrees. In the Board's opinion, given the uncertainty about the withdrawal period for ibuprofen, the onus was on Mr Kent to establish from appropriate experts when it was safe to administer ibuprofen to his horse, The Pentagon.

In the Board's view, Mr Kent's inquiries and the extent of his inquiries fell short of what was required in the circumstances. Further, his approach to the question of administration was less than rigorous, as the entries in his treatment book indicate. Nevertheless, given the lack of research and the variations in results obtained in limited trials, the Board is of the view that only a moderate financial penalty is justified.

Mr Kent is convicted and fined the sum of \$3000, to be paid by 30 September 2010. In relation to the subject race, the horse, The Pentagon, must be and is disqualified.

END OF EXTRACT