

HEARING RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 11 February 2013

SUBJECT: **HEARING RESULT – TRAINER: TROY PORTELLI**

Panel Judge Russell Lewis (Chair), Mr Graeme Johnson, Dr June Smith.

Appearances Mr Portelli appeared on his own behalf.
Mr Peter Ryan appeared on behalf of the Stewards.

Charge Breach of AR 175(q)

The Committee of any Club or the Stewards may penalise any person who in their opinion is guilty of any misconduct, improper conduct or unseemly behaviour.

The particulars of the charge relate to an incident that took place following the running of Race 4 at Seymour racecourse on Thursday, 24 January 2013 in which the horse *Bloodbuzz Ohio*, trained by Mr Portelli, broke away for the control of the Clerks of the Course.

Mr Portelli was charged with using abusive and unseemly language on the racetrack and in the vicinity of the general public and using abusive and obscene language towards the two Clerks of Course.

Plea Guilty.

Decision Mr Portelli convicted and fined \$2,500 of which \$1,000 is to be suspended for a period of 12 months on the condition that Mr Portelli does not commit a breach of AR 175(q) during this period.

The fine of \$1,500 to be paid on or before 28 February 2013.

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman
MR G. JOHNSON
DR J. SMITH**

EXTRACT OF PROCEEDINGS

DECISION

TRAINER: TROY PORTELLI

MELBOURNE

MONDAY, 11 FEBRUARY 2013

MR P. RYAN appeared on behalf of the RVL Stewards

MR T. PORTELLI appeared on his own behalf

CHAIRMAN: In this case, the Board takes a serious view of the incident because we have a licensed person, an experienced trainer, who by his behaviour has not only tarnished the image of racing, which currently has undergone a great deal of pressure, but the conduct was grossly offensive to members of the public which obviously would have included young people, and the conduct was also to be criticised on the basis that whatever was going through Mr Portelli's mind, he showed a complete lack of disrespect for other people on the racecourse, in particular the clerks of the course.

Without more, that conduct would attract a very high financial penalty. Nevertheless, there are a number of mitigating circumstances. The obvious one of course is what had happened to Mr Portelli's horse which caused him to become emotional and indeed the description given by the witnesses indicates that for some time, Mr Portelli was completely out of control to a degree that he really could not recall what he actually said at one stage, such was the extent of his agitation.

The Board takes into account Mr Portelli's plea of guilty. The Board is satisfied that he has exhibited moral contrition. Although he has one relevant matter back in 2008, the Board does not take that into any great account in looking at the question of penalty.

The Board is not able to come to the view that Mr Portelli is unlikely to reoffend, given his admissions that he can from time to time, depending on the circumstances, become emotional and upset. That particular view will be

reflected in the finding of the Board on the question of penalty.

The Board is of the view that the penalty should be a financial one. Mr Portelli is fined the sum of \$2500, of which \$1000 is to be suspended for a period of 12 months, on condition that he does not commit a breach of Australian Rule 175(q) in the meantime, payable by 28 February 2013.
