

HEARING RESULT

Distribution: Chief Executive
Group Integrity Services, Group Racing
Group Racing Development
Credit Controller
ARB, ATA, VJA, TVN
Office of Racing
T Moxon – National Drug Register
Racing Press

FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 19 February 2015

SUBJECT: **HEARING RESULT – TRAINER: MARCUS FAHLER**

Panel Judge Russell Lewis (Chair), Ms Sara Hinchey, Mr Graeme Johnson.

Appearances Mr Fahler appeared on his own behalf.
Mr James Ogilvy appeared on behalf of the stewards.

Charge Breach of AR 178

Subject to AR 178G, when any horse that has been brought to a racecourse for the purpose of engaging in a race and a prohibited substance is detected in any sample taken from it prior to or following its running in any race, the trainer and any other person who was in charge of such horse at any relevant time may be penalised.

The charge relates to a prohibited substance, 4-Hydroxy Xylazine, being detected in a post-race urine sample taken from the horse *Tatler Belle* following its running in Race 7 the *Procon Developments BM64 Handicap* (1000m) at Cranbourne on Friday, 7 November 2014.

Plea Guilty.

Decision Mr Fahler convicted and fined \$1,000 - due on or before 30 April 2015.

Pursuant to AR 177, *Tatler Belle* disqualified as winner of Race 7 the *Procon Developments BM64 Handicap* (1000m) at Cranbourne on Friday, 7 November 2014 and the places amended accordingly:

*1st – Merry Magic, 2nd – Snip the Dancer, 2nd – Follow My Lead,
4th – The King's Cross, 5th – Beneficiary, 6th – Tankster,
7th – Moonsmoke, 8th – Ethicist, 9th – Baldez.*

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman
MS S. HINCHEY
MR G. JOHNSON**

EXTRACT OF PROCEEDINGS

DECISION

**IN THE MATTER OF THE PROCON DEVELOPMENTS BM64
HANDICAP OVER 1000 METRES AT CRANBOURNE ON 7/11/14**

RE: TATLER BELLE

TRAINER: MARCUS FAHLER

MELBOURNE

THURSDAY, 19 FEBRUARY 2015

MR J. OGILVY appeared on behalf of the RVL Stewards

MR M. FAHLER appeared on his own behalf

CHAIRMAN: In this matter, Mr Marcus Fahler has pleaded guilty to a charge laid under Australian Rule of Racing 178, in that as the trainer of the horse, Tatler Belle, that horse was brought to the races on 7 November 2014 with a prohibited substance in its system. The prohibited substance was 4-hydroxy xylazine. Xylazine is registered for use in horses and is routinely used as a short-acting sedative, analgesic and muscle relaxant.

The facts and circumstances relating to the administration of this substance are well set out in the Stewards' summary of facts and evidence which have been tendered in evidence.

The Board, in arriving at a penalty in this case, takes into account Mr Fahler's early plea of guilty and also his cooperation with Stewards, giving them an open and frank account of what occurred. Mr Fahler is a man who has held a trainer's licence for approximately 24 years and has an unblemished record in relation to the Rules of Racing. It is obvious from the references tendered to the Board and also from listening to Mr Fahler and having heard from Mr Ogilvy who appears on behalf of the Stewards that Mr Fahler is a person of good character.

In the circumstances, the Board thinks that a fine on the lower end of the scale is appropriate and given all that we have heard, we think that the appropriate fine is \$1000, to be paid on or before 30 April 2015. Pursuant to the provisions of Australian Rule 177, the horse, Tatler Belle, is unfortunately disqualified from the race.