

HEARING RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 28 January 2014

SUBJECT: **HEARING RESULT – TRAINER: PAUL PREUSKER**

Panel Judge Russell Lewis (Chair), Mr Josh Bornstein (Deputy),
Mr Jeremy Rosenthal.

Appearances Mr Patrick Wheelahan appeared as Counsel for Mr Preusker.

Dr Cliff Pannam QC, instructed by Mr Geoff Croxford, appeared on behalf of the Stewards.

Charge 1 Breach of AR 175(h)(i) – **withdrawn.**

Charge 3 Breach of AR 178 [**alternative to Charges 1 & 2**] – **withdrawn.**

Charge 2 Breach of AR 175(h)(ii) [**alternative to Charge 1**]

The Committee of any Club or the Stewards may penalise: Any person who administers, or causes to be administered, to a horse any prohibited substance which is detected in any sample taken from such horse prior to or following the running of any race.

The charges relate to a prohibited substance, being alkalinising agents as evidenced by total carbon dioxide (TCO₂) at a concentration in excess of 36.0 millimoles per litre in plasma, being detected in a blood sample taken from the horse *Lots of Dollars* prior to Race 6 the *Kelly Country Homes 0-58 Handicap* (2215m) at Seymour on 23 July 2013, a race in which it was engaged to run.

Plea **Charge 2** – guilty.

Decision Mr Preusker convicted and suspended for a period of 6 months with 3 months of this penalty suspended for a period of 12 months provided that Mr Preusker does not commit a similar offence during this period.

The 3 month period of suspension will commence at midnight on Tuesday, 4 February 2014.

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman
MR J. BORNSTEIN, Deputy Chairman
MR J. ROSENTHAL**

EXTRACT OF PROCEEDINGS

DECISION

TRAINER: PAUL PREUSKER

MELBOURNE

TUESDAY, 28 JANUARY 2014

DR C. PANNAM QC appeared on behalf of the RVL Stewards

MR P. WHEELAHAN appeared on behalf of Mr P. Preusker

CHAIRMAN: Paul Preusker, you have pleaded guilty to a charge laid under Australian Rule of Racing 175, the particulars of which the Board does not intend to recite.

Dr Pannam, who appeared on behalf of the Stewards, put his case succinctly. That is, that there has been an admission of administration of a prohibited substance by you, Mr Preusker.

Mr Wheelahan has made a number of submissions in mitigation. These include the plea of guilty and the absence of any relevant prior convictions. He has also provided the Board with evidence relating to your financial position. The Board has had the advantage of listening to and observing you and accepts your evidence on the question of your finances.

The principle of general deterrence is an important sentencing consideration in this type of case, as well as denunciation of such conduct and the harm it does to the image of racing. It is obvious that trainers flirt with danger when administering alkalinising agents close to race day and any penalty must reflect the Board's concern that TCO₂ offences continue to be committed.

In this case, the Board is of the opinion that a period of disqualification would be too harsh a penalty as it would have the effect of depriving you not only of income as a trainer but also income as a farrier. In the Board's view, a period of suspension is appropriate and part of that suspension should itself be suspended.

Paul Preusker, the Board orders that you are suspended for a period of six months, of which three months is to be held in suspense. The period of the operation of the order is 12 months. That is, the period of suspension will commence at midnight on 4 February 2014. In the event that you should commit a similar offence within the next 12 months, a suspended portion of the period of suspension will be activated.
