

HEARING RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 13 March 2014

SUBJECT: **HEARING RESULT – REGISTERED OWNER: JOE ZAITER**

Panel Judge Russell Lewis (Chair), Prof Raymond Harbridge, Mr Shaun Ryan.

Appearances Ms Nadia Kaddeche appeared as Counsel for Mr Zaiter.
Mr Dayle Brown appeared on behalf of the Stewards.

Charges 1 & 2 Breach of AR 175(gg)

The Committee of any Club or the Stewards may penalise; any person who makes any false or misleading statement or declaration in respect of any matter in connection with the administration or control of racing.

The charges relate to Mr Zaiter making false or misleading statements to the Stewards and on Horse Registration and Ownership forms in relation to his previous criminal convictions.

Plea Charge 1 – guilty.
Charge 2 – guilty.

Decision Charge 1 - Mr Zaiter convicted and fined \$1,000.
Charge 2 - Mr Zaiter convicted and fined \$2,500.

A total of \$3,500 due on or before 31 July 2014.

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman
PROF R. HARBRIDGE
MR S. RYAN**

EXTRACT OF PROCEEDINGS

DECISION

RE: JOE ZAITER

MELBOURNE

THURSDAY, 13 MARCH 2014

MR D. BROWN appeared on behalf of the RVL Stewards

MS N. KADDECHE appeared on behalf of Mr J. Zaiter

CHAIRMAN: I now come to the question of penalty. In relation to Charge 1, the Board is satisfied that Mr Zaiter's reason for lying was his mistaken belief that he would be automatically disqualified if he revealed that he had a conviction.

In relation to Charge 2, the Board is satisfied that he deliberately lied concerning the matter of whether he had a conviction. It was only after the Stewards produced evidence of that conviction that Mr Zaiter admitted it. Thus, the Board regards the offence in relation to Charge 2 as the more serious.

The Board is satisfied that there are mitigating circumstances. There are no relevant racing prior offences. The Board takes into account Mr Zaiter's plea of guilty through his counsel, Ms Kaddeche. The Board also takes into account the other matters canvassed during the course of this hearing.

In the end, the Board has decided that on Charge 1, Mr Zaiter should be fined the sum of \$1000; on Charge 2, the sum of \$2500, a total of \$3500, which sum is to be paid on or before 31 July 2014.
