



HEARING RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 3 May 2013

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

Panel Mr Brian Forrest (Deputy Chair), Mr Chris Enright,
Professor Raymond Harbridge.

Appearances Mr Portelli appeared on his own behalf.
Mr James Ogilvy, RV Legal Counsel, appeared on behalf of the Stewards.

Charge Breach of AR 175(q) – improper conduct.

The particulars being that Mr Portelli used foul language towards jockey Dean Holland in the mounting enclosure following the running of Race 7 the *Hareeba Stakes* at Mornington on Wednesday, 13 February 2013.

Plea Not Guilty.

Decision The Board finds the charge proved.

Mr Portelli convicted and fined the amount of \$1,000 on the condition that he does not commit a further breach of AR 175(q) in the next 12 months.

In accordance with the RAD Board's decision on 11 February 2013, the \$1,000 suspended portion of the fine that was imposed on the condition that Mr Portelli did not commit a further breach of AR 175(q) in the next 12 months is now activated and is to be paid on or before 3 June 2013.

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

**MR B. FORREST, Deputy Chairman
MR C. ENRIGHT
PROF R. HARBRIDGE**

EXTRACT OF PROCEEDINGS

DECISION

TRAINER: TROY PORTELLI

MELBOURNE

FRIDAY, 3 MAY 2013

MR J. OGILVY appeared on behalf of the RVL Stewards

MR T. PORTELLI appeared on his own behalf

CHAIRMAN: Licensed trainer, Mr Troy Portelli, has been charged by Stewards under AR 175(q), improper conduct towards jockey Dean Holland at Mornington racecourse on 13 February 2013 following the running of the Hareeba Stakes. Holland rode Eight Bills trained by Mr Portelli in the race. The horse was unplaced.

After Holland dismounted from Eight Bills and while in the mounting yard, he was abused by Mr Portelli and, according to Holland, being called a "fucking spastic" and "fucking idiot". Mr Portelli complained bitterly to Holland about what his ride had cost him as the connections had bet substantially on the horse. Mr Portelli was clearly angry and upset about the way Holland had ridden the horse, contrary to his instructions, he said.

Holland reported Mr Portelli's behaviour towards him to Stewards. Mr Portelli later admitted to Stewards that he swore at Holland but denied using the word "spastic" and the Stewards are not alleging Mr Portelli used that expression.

Trainer, Mr Mick Price, who was in the vicinity, told stewards he heard a lot of swearing as he walked past Portelli and Holland in the mounting yard.

Having heard the evidence and read the transcripts of the Stewards' investigations on race day and on 20 February 2013, the Board is satisfied that Mr Portelli's verbal outburst directed to Holland, a fellow licensed person, was unacceptable behaviour.

It is one thing to criticise a jockey's performance and express displeasure, but the way in which it is done is quite another. In this case, the Board is satisfied that the charge of improper conduct has been proven. The Board rejects Mr Portelli's claim that Holland's complaining to the Stewards about Mr Portelli's behaviour was motivated by an ulterior motive, namely to deflect criticism from his ride.

The matter of concern to the Board in this matter is that this incident occurred two days following the previous incident referred to in the hearing.

Mr Portelli, the Board has noted your plea of not guilty, the absence of remorse, although it must be said that it did appear from reading the transcript that you did acknowledge that your behaviour on this day was unacceptable.

I will deal with the events of 13 February 2013 at Mornington racecourse. In respect of the breach of AR 175(q), you are fined the sum of \$1000, suspended for a period of 12 months from today's date. In relation to the previous matter, the matter determined by the Board differently constituted on 11 February 2013, the sum of \$1000, which was suspended for the period of 12 months, that obviously now becomes payable because of this breach that we have found today. That will be payable on or before 3 June 2013.
