

Registrar
Racing Appeals and Disciplinary
Board



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HEARING RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 27 August 2009

SUBJECT: **HEARING RESULT – TRAINER RON DANIEL**

Panel Judge Russell Lewis (Chair), Mr Chris Enright, Mr Darren McGee

Appearances: Mr James Ogilvy, lawyer for RVL, appeared on behalf of the Stewards.
Mr Ron Daniel appeared on his own behalf.

Charge Breach of AR 178 [prohibited substance].

The charge relating to a prohibited substance, being Phenylbutazone and Oxyphenbutazone, detected in a urine sample taken from the horse *Easy Lago* following its running in Race 1 the *3MAFM Give Me Five For Kids 3YO Maiden Plate* at Mildura on Friday 19 June 2009.

Plea Guilty

Decision Convicted and fined the sum of \$10,000 – fine to be paid on or before 31 December 2009.

Easy Lago disqualified as winner of Race 1 the *3MAFM Give Me Five For Kids 3YO Maiden Plate* at Mildura on Friday 19 June 2009 and the places amended accordingly:

1st – *Statue of Glory*, 2nd – *Koo Wee Girl*, 3rd – *Thirty Three Black*,
4th – *Clinton's Storm*, 5th – *The Rack*, 6th – *Coniston Gold*,
7th – *Tee En Tee*, 8th – *Cleon*.

Georgie Curtis
Registrar - Racing Appeals and Disciplinary Board

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman
MR C. ENRIGHT
MR D. McGEE**

EXTRACT OF PROCEEDINGS

DECISION

TRAINER: RON DANIEL

MELBOURNE

THURSDAY, 27 AUGUST 2009

MR J. OGILVY appeared on behalf of the Stewards

MR R. DANIEL appeared on his own behalf

CHAIRMAN: In this case, Mr Daniel has pleaded guilty to the charge of bringing a horse with a prohibited substance, namely, phenylbutazone, in its system. The evidence shows that Mr Daniel was not directly responsible in any way for the wrong horse receiving the bute. However, it is knowledge that responsibility stops with him and had he had in place a better system, the incident would not have occurred. It indicates a lack of care on Mr Daniel's part. Indeed, the system in force at the time, mixing horses of another trainer with his own horses indeed represents a very sloppy practice.

Mr Daniel has informed the board that he has put in place a different system now, namely, the numbering of the horses' stables and the insistence that whenever a horse is treated, two people be present, so that the risk of wrong identification is kept to a minimum.

The Board thinks that there are other things that can be done. It depends on how well numbered the stalls are. They ought to be clearly numbered with a number which is a fixture and perhaps if Mr Daniel was in any doubt about other aspects which could be put in place, the Board suggests that he have a talk to the stewards immediately after this appeal is heard and determined.

The Board is well satisfied that there is no malpractice involved here. There is no deceitful activity at all on the part of Mr Daniel.

The Board takes into account Mr Daniel's plea of guilty. The Board is satisfied that he is remorseful for what occurred. He gains no credit from the fact that

he has prior convictions, although fortunately for him, the prior convictions do not relate to deliberate administration of a substance. Had his record indicated that, he would have been in much deeper than he now finds himself.

The Board thinks in the circumstances that a financial penalty is the appropriate penalty. It is only after some considerable debate that the Board has reached that view because the question of suspension did loom large in this case and indeed, if you, Mr Daniel, find yourself before the Board again on a similar charge, I think you can look forward to some time away from your stables.

In the circumstances, the Board will fine you \$10,000 and the horse, Easy Lago, is disqualified, which means of course that you do not reap the benefits of either your 10 per cent trainer's fee or prizemoney. The fine of \$10,000 is to be paid on or before 31 December 2009.

END OF EXTRACT