

HEARING RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 13 August 2015

SUBJECT: **HEARING RESULT – TRAINER: DEAN HOWARD**

Panel Judge Russell Lewis (Chair), Mr Josh Bornstein (Deputy),
Dr June Smith.

Appearances Mr George Henderson appeared on behalf of Mr Howard.
Mr James Ogilvy appeared on behalf of the stewards.

Charge Breach of AR 175(a)

Any person, who, in their opinion, has been guilty of any dishonest, corrupt, fraudulent, improper or dishonourable action or practice in connection with racing.

The charge relates to the sale of the horse *Convincible*, trained by Mr Howard.

Plea Guilty.

Decision Mr Howard convicted and disqualified for a period of 18 months, commencing at midnight on 21 August 2015.

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

**HIS HONOUR JUDGE R.P.L. LEWIS, Executive Member
MR J. BORNSTEIN, Deputy Chairman
DR J. SMITH**

EXTRACT OF PROCEEDINGS

DECISION

TRAINER: DEAN HOWARD

MELBOURNE

THURSDAY, 13 AUGUST 2015

MR J. OGILVY appeared on behalf of the RVL Stewards

MR G. HENDERSON appeared on behalf of Mr D. Howard

CHAIRMAN: The Board agrees with the Stewards' submission that this is an egregious case of calculated and sustained dishonesty, compounded by lies and deceit. The Board is of the opinion that Mr Howard's plea of guilty is but a recognition of the inevitable.

The Board is satisfied that there is no evidence of moral contrition. It is impossible to reconcile Mr Howard's statement that he "thought it was a good old windfall" with his explanation that his conduct in retaining \$145,000 was justified in part by setting off what he claims was owed by his owners.

The Board is not persuaded that the statement of accounts provided by Ms Triffett represents an accurate reflection of the true financial position vis-a-vis Mr Howard and some of his owners. The Board is satisfied that Mr Howard's conduct represented an abuse of his position as a licensed trainer involving a breach of trust in relation to his owners.

Mr Howard's conduct was disgraceful and is harmful to the image of racing. The principles of general deterrence and denunciation of this type of conduct are important sentencing considerations. Nothing short of a period of disqualification is the appropriate penalty. Mr Howard is disqualified for a period of 18 months. The period of disqualification will commence at midnight on 21 August 2015.
