

HEARING RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 25 November 2011

SUBJECT: **HEARING RESULT – TRAINER: FRANK DODERICO**

Panel Judge Russell Lewis (Chair), Mr Bill Kneebone, Mr Ron Taylor.

Appearances Mr George Doderico appeared on behalf of Frank Doderico.
Mr Dayle Brown appeared on behalf of the Stewards.

Charge 1 Breach of AR 178

The charge relating to a prohibited substance, being Sotalol, detected in a urine sample taken from the mare *Speedy Emma* following her win in Race 4 the *Alex Scott & Staff Berwick F&M Maiden Plate* (1414m) at Pakenham on Sunday, 28 August 2011.

Charge 2 Breach of AR 178E

The charge relating to Mr Doderico administering, or causing to be administered, to *Speedy Emma* medication being Tranquil Paste orally and/or 10 mil of Regu-Mate on race day prior to her running in the abovementioned race.

Plea Charge 1 – guilty.
Charge 2 – guilty.

Decision **Charge 1**

The Board finds the charge proved but with no conviction recorded or penalty imposed.

Pursuant to AR 177 *Speedy Emma* disqualified as winner of Race 4 the *Alex Scott & Staff Berwick F&M Maiden Plate* at Pakenham on Sunday, 28 August 2011 and the places amended accordingly:

1st – Letsgetrhythm, 2nd – Tyro Goddess, 3rd – Skaters Dream, 4th – Prussian Made, 5th – Clairwood, 6th – Sands Are Black, 7th – Esprit de Gypsy, 8th – Variate, 9th – Twinny's Faith, 10th – Miss Redemption, 11th – Not A Tully.

Decision (cont)

Charge 2

Mr Frank Doderico convicted and fined the amount of \$1,000.
Fine due on or before 31 December 2011.

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 W. KNEEBONE
MR R. TAYLOR**

EXTRACT OF PROCEEDINGS

DECISION

TRAINER: FRANK DODERICO

MELBOURNE

FRIDAY, 25 NOVEMBER 2011

MR D. BROWN appeared on behalf of the RVL Stewards

MR G. DODERICO appeared on behalf of the Appellant

CHAIRMAN: Having heard the plea on behalf of Mr Frank Doderico made by his son George and having heard the submissions of both Mr Brown, who appeared on behalf of the Stewards, and Mr Doderico, the Board is now in a position to decide on the question of penalty.

The Board is inclined to accept Mr Brown's submission in relation to charge 1 for a number of reasons. The Board takes into account the age of the trainer, his state of health, the fact that he has no previous convictions or infringements; the fact that there was cooperation with the Stewards when they investigated the matter; the fact that in the Board's view, Mr Frank Doderico is unlikely to reoffend. The Board also takes into account moral contrition as well as the fact that a plea of guilty has been formally registered. The Board also takes into account the question of hardship which has obviously been visited upon Mr Frank Doderico and matters personal to him, in particular the unstinting and obviously loving care which he bestows upon his invalid wife. For those reasons in relation to charge 1, no conviction is recorded, although the charge is proved.

In relation to charge 2, this is a different matter. As indicated during the course of the plea, ignorance of the law is no excuse. Mr George Doderico was acting as the agent for his father. It is a rule which should have been known to the trainer or his accredited agent. The offence is not a peccadillo, it is an offence which in the Board's view requires a recording of a conviction and a fine, which in this case we believe should be \$1000.

END OF EXTRACT