

RACING APPEALS AND DISCIPLINARY BOARD

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DECISION

RACING VICTORIA STEWARDS and

DANIELLE LOOS

Date of Hearing 13 February 2018

Panel Judge Bowman (Chair)

<u>Appearances</u> Stephen Schmidhofer appeared on behalf of the stewards.

Danielle Loos was self-represented.

Charge 1 AR 178

Subject to AR 778G, when any horse that has been brought to a racecourse for the purpose of engaging in a race and a prohibited substance is detected in any sample taken from it prior to or following its running in any race, the trainer and any other person who was in charge of such horse at any relevant time may be penalised.

The particulars are that a prohibited substance, being Triamcinolone Acetonide (a corticosteroid), was detected in a pre-race blood sample taken from the horse *Anemo*i prior to it running in Race 2 at Caulfield on 18 October 2017.

<u>Charge 2</u> AR 178F(1)

- (1) A trainer must record treatment and medication administered to each horse in his or her care by midnight on the day on which the administration was given, and each record must include the following information:
- (a) the name of the horse;
- (b) the date and time of administration of the treatment or medication;
- (c) the name of the treatment or medication administered (brand name or active constituent);
- (d) the route of administration including by injection, stomach tube, paste, topical application or inhalation);
- (e) the amount of medication given (if applicable);
- (f) the duration of a treatment (if applicable);
- (g) the name and signature of person or persons administering and/or authorizing the administration of the treatment or medication.

The particulars are that Ms Loos failed to record the administration of the medication Triamcinolone Acetonide (Kenocourt) by a veterinary practitioner to *Anemoi* on 7 October 2017, in accordance with the requirements of AR 178F(1).

<u>Plea</u> Charges 1 and 2 - guilty.

<u>Decision</u> Charge 1 - Ms Loos convicted and fined \$3,000.

Charge 2 - Ms Loos convicted and fined \$500.

A total fine of \$3,500 - payment terms 60 days.

Pursuant to AR 177, *Anemoi* is disqualified from Race 2 at Caulfield on 18 October 2017 and the places amended

accordingly.

Registrar Racing Appeals and Disciplinary Board

TRANSCRIPT OF

PROCEEDINGS

RACING APPEALS AND DISCIPLINARY BOARD HIS HONOUR JUDGE J. BOWMAN, Chairman **EXTRACT OF PROCEEDINGS DECISION** RACING VICTORIA STEWARDS and **DANIELLE LOOS** RACING VICTORIA CENTRE, FLEMINGTON **TUESDAY, 13 FEBRUARY 2018** MR S. SCHMIDHOFER appeared on behalf of the RVL Stewards MS D. LOOS appeared on her own behalf

.Loos 13/2/18

CHAIRMAN: Ms Danielle Loos, you have pleaded guilty to a breach of AR 178, in that on 18 October 2017, you brought the horse, Anemoi, to Caulfield racecourse to run in the Hamilton Reid Handicap and a prohibited substance, triamcinolone, was subsequently detected as a result of a pre-race blood sample being analysed. The horse had finished eighth.

The substance in question could be described as an anti-inflammatory. It is not asserted by the Stewards that there was any nefarious or overt attempt to circumvent the Rules of Racing. In other words, there was no attempt to gain an unfair advantage by the administration of this substance. It had been administered to the horse's front fetlocks and stifles by the vet, Dr Claire Rowe, and had been so administered before the commencement of the probable or recommended withhold period of eight days. The injections were 10 days before race day.

However, that does not mean that trainers escape liability if horses are treated with a substance such as this outside the recommended withhold period.

Reference was made to the New South Wales case of Astronomos which has considerable parallels with the present case, save that the amount administered in the present case was greater. Astronomos was injected only in the stifle joint.

Trainers have received two notices from the Stewards concerning this problem and trainers have been put on alert to the fact that they should err on the side of caution.

Loos 13/2/18

You have a clean, excellent record. You pleaded guilty at the earliest possible opportunity. You have been cooperative with the Stewards and, as stated, you intended no wrongdoing. Further, you were relying on veterinary and manufacturer's advice.

Whilst you have a lengthy history of association with the racing industry, you have only been training for a comparatively short period and only have a small team of horses at this stage. You supplement your income by doing a limited amount of trackwork riding at Geelong.

However, trainers must realise the risks that they run and the administration of prohibited substances must err on the side of caution. Bearing all of this in mind, an appropriate fine must be imposed. In my opinion, and keeping in mind your comparatively short time as a trainer and the small size of your team, and compared, for example, with the trainer of Astronomos, it seems to me that an appropriate fine is \$3000.

There is a second charge, namely a breach of AR 178F. This was a failure on your part to maintain or record any or any proper record of administration. Your record-keeping was inadequate, in fact nonexistent in relation to this particular administration. You also plead guilty to this charge. As pointed out several times in other cases, the keeping of proper records by trainers is of vital importance and is of great assistance to the stewards, and it can also be of great assistance to trainers when a problem arises.

Loos 13/2/18

In relation to this offence, I am bearing in mind again the same factors in relation to your experience, the size of your operation, your early plea of guilty and your cooperation. You are fined the sum of \$500. Anemoi is disqualified from the Hamilton Reid Handicap and the finishing order amended as a consequence. So there is a grand total of \$3500, with 60 days to pay the amount of the fine.

.Loos 13/2/18