



DECISION

RACING VICTORIA STEWARDS and BEN CONNOLLY

<u>Date of Hearing</u>	23 October 2017
<u>Panel</u>	Judge Bowman (Chair), Brian Forrest (Deputy), Chris Fox
<u>Appearances</u>	<p>Cliff Pannam QC and Belinda Franjic of counsel appeared on behalf of the stewards.</p> <p>Peter Caillard of counsel, instructed by RB Flinders, appeared on behalf of Mr Connolly.</p>
<u>Charge 1</u>	<p>AR 175(a)</p> <p><i>The Principal Racing Authority (or the Stewards exercising powers delegated to them) may penalise:</i></p> <p><i>(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.</i></p>
<u>Charge 2</u>	<p>AR 56B</p> <p><i>Any person who, in the opinion of the Stewards, fails to declare any share or interest in, misrepresents or provides any misleading or inaccurate information regarding the ownership of a horse, or is a party to any breach of this rule, may be penalised by the Stewards and the horse may be disqualified.</i></p>
<u>Summary</u>	<p>The particulars are that Mr Connolly engaged in dishonest, improper and/or dishonourable action or practice in connection with racing (Charge 1), and misrepresented and provided misleading and/or inaccurate information through representations to the Racing Victoria stewards and conduct (Charge 2), regarding the ownership of the horses <i>Azkadellia</i>, <i>Little Bubulu</i>, <i>Loveable Rogue</i>, <i>Hart</i> and <i>Mr Simples</i>.</p>
<u>Plea</u>	Guilty – charges 1 and 2.
<u>Decision</u>	Charge 1 – Mr Connolly convicted and disqualified until 31 December 2019. Mr Connolly may apply for re-licensing as at 1 January 2020.

Charge 2 – Mr Connolly convicted but with no further penalty imposed on him personally.

The Board orders that the horses *Azkadellia*, *Little Bubulu*, *Loveable Rogue*, *Hart* and *Mr Simples* be disqualified from the races in Victoria in which they participated under the ownership of Mr Connolly.

Georgie Gavin
Registrar - Racing Appeals and Disciplinary Board

TRANSCRIPT OF PROCEEDINGS

RACING APPEALS AND DISCIPLINARY BOARD

HIS HONOUR JUDGE J. BOWMAN, Chairman
MR B. FORREST, Deputy Chairman
MR C. FOX

EXTRACT OF PROCEEDINGS

DECISION

RACING VICTORIA STEWARDS

and

BEN CONNOLLY

RACING VICTORIA CENTRE, FLEMINGTON

MONDAY, 23 OCTOBER 2017

DR C.L. PANNAM QC, with MS B. FRANJIC appeared on behalf
of the RVL Stewards

MR P. CAILLARD (instructed by RB Flinders) appeared on behalf
of Mr B. Connolly

CHAIRMAN: Mr Ben Connolly, you have pleaded guilty to two charges. One is a breach of AR 175(a). You accept that you engaged in an improper and/or dishonourable action or practice in connection with racing. The second is a breach of AR 56B, that you provided misleading and/or inaccurate information regarding the ownership of a number of horses.

The essence of both charges lies in the attempt to conceal the ownership of a group of horses, by far the most prominent of which is the highly successful mare, Azkadellia. This involved an elaborate scheme which operated for more than a year and it was during this period that Azkadellia had great success, both in this state and elsewhere. The elaborate scheme involved the notorious conman and criminal, Peter Foster, and an associate of his, Thomas Cain. Your apparent purchase of the horses; the trust, registering the Turks and Caicos Islands; surreptitious weekly payments of \$2000 to you and 10 per cent of all prizemoney being paid to you; the refund of the appropriate purchase price and the like, the whole object of the exercise was to allay the Stewards' concerns regarding the ownership of the horse, in particular Azkadellia, and also, in particular, concerning Peter Foster as owner.

Indeed, the horses have been banned from racing until such time as their ownership had been sorted out to the satisfaction of the Stewards. That ban was ultimately lifted when you became the apparent owner and hence the elaborate scheme into which you entered.

We agree with the submissions of Dr Pannam and Ms Franjic on behalf of the stewards that these are very serious matters involving an elongated, careful and intended deceit of the Stewards, which scheme continued for at least a period of one year after their investigations commenced. You have pleaded guilty today, but even as recently as 18 August 2017 when your defence was filed, you were effectively denying wrongdoing.

The damage that this whole affair has done to the reputation of racing and its integrity is obviously substantial. A highly successful mare was not just running in false ownership, its true owners included a notorious criminal. The proper and transparent ownership of horses must be available to the Stewards and to the public.

Mr Caillard has put various matters relating to this whole scandalous affair and to your involvement and your situation before us. We accept that you stood down from your position of racing manager for Ciaron Maher Racing Pty Ltd which effectively trained the horses, you stepping down in September 2016. You have had no involvement in racing since, although you continued to receive a salary from that entity until 30 June 2017. You have had no income since. We accept that your standing and employability in the racing industry may well have been destroyed. We also note that you are a comparatively young man, married with two young children. You live in rented accommodation. We accept involvement in the racing industry was something that you loved and something that meant a great deal to you. We also take into account the impressive character references that have been put before us,

further noting that you do come before us without any previous charges or convictions.

The bottom line is this: we consider this to be a very serious breach of AR 175(a). We do not agree with Mr Caillard that it is a case warranting suspension. The gravity of the offending is such that disqualification is warranted. For the breach of AR 175(a), you are disqualified, and the term of that disqualification is until 31 December 2019. You can seek to be relicensed as of 1 January 2020.

In relation to the charge pursuant to AR 56B, we impose no further penalty upon you personally. As Dr Pannam and Ms Franjic put it, that would be akin to double dipping. However, we are of the view that the horses, including Azkadellia, be disqualified from the Victorian races in which they participated under Mr Connolly's name.
