

HEARING RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 14 June 2013

SUBJECT: **HEARING RESULT – TRAINER: PETER GELAGOTIS**

Panel Judge Russell Lewis (Chair), Mr Geoff Ellis, Mr Graeme Ward.

Appearances Mr Damian Sheales appeared on behalf of Mr Gelagotis.
Mr James Ogilvy appeared on behalf of the Stewards.

Charge Breach of AR 178 – prohibited substance.

The particulars of the charge being that a prohibited substance, Ibuprofen (a non-steroidal anti-inflammatory), was detected in a urine sample taken from the horse *Hvasstan* prior to and following its win in Race 6 the *Sportingbet Alister Clark Stakes* (Group 2, 2040m) at Moonee Valley on Friday, 15 March 2013.

Plea Guilty.

Decision Mr Gelagotis convicted and fined the amount of \$2,000.
Fine due on or before midnight on 30 June 2013.

Hvasstan disqualified as winner of Race 6 the *Sportingbet Alister Clark Stakes* (Group 2, 2040m) at Moonee Valley on Friday, 15 March 2013 and the places amended accordingly:

1st – *Philippi*, 2nd – *Sheer Talent*, 3rd – *Gerontius*, 4th – *Bass Strait (NZ)*,
5th – *Green Roller*, 6th – *Soldier's March*.

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman
MR G. ELLIS
MR G. WARD**

EXTRACT OF PROCEEDINGS

DECISION

**IN THE MATTER OF THE SPORTINGBET ALISTER CLARK
STAKES (GROUP 2) OVER 2040 METRES AT MOONEE VALLEY
ON 15/3/13**

TRAINER: PETER GELAGOTIS

MELBOURNE

FRIDAY, 14 JUNE 2013

MR J. OGILVY appeared on behalf of the RVL Stewards

MR D. SHEALES appeared on behalf of Mr P. Gelagotis

CHAIRMAN: Peter Gelagotis, you have pleaded guilty to a charge laid under Australian Rule 178, in that on 15 March 2013, a horse trained by you, Hvasstan, contested and won the Sportingbet Alister Clark Stakes, a Group 2 event, at Moonee Valley with a prohibited substance in its system, namely ibuprofen.

Ibuprofen is a non-steroidal anti-inflammatory drug and is also an analgesic and antipyretic agent. Research in human medicine has suggested that ibuprofen may be effective in the treatment and/or prevention of injury to tendons and some trainers, including you, Mr Gelagotis, have enthusiastically embraced its restorative effects.

There is, however, a dearth of scientific and empirical evidence relating to the time it takes for the drug to be cleared from the body of a horse. Limited studies have shown that detection times vary considerably, depending on the dosage and the route of administration, including oral, intravenous and topical applications.

It is therefore apparent that any trainer who administers ibuprofen, knowing that his horse is being prepared for a certain race, is obliged to be extremely cautious as to the form of and/or amount of the drug and as to when, where, how and by whom the horse is treated. Further, because of the risk of contamination by human hands or even by a treated horse, attention must be paid to this aspect in the form of instruction and procedures which would eliminate such a risk.

Isolation of any horse in a stable being so treated would be an appropriate starting point. Further, the person who administers the drug should not have anything to do with the feeding of other horses in the stable. In this case, the Board is satisfied that there was no deliberate administration of ibuprofen to Hvasstan. It is clear enough that the administration was accidental.

A number of theories have been put forward as to how the substance got into Hvasstan's system. The Board is not required to establish how it happened. The Board goes no further than to find that contamination by human agency is high on the list of possibilities.

The onus is on you, Mr Gelagotis, particularly having regard to the uncertainties associated with administering ibuprofen, to put in place a system whereby the risk of the wrong horse returning a positive to ibuprofen is eliminated. It is not up to the Board to suggest appropriate ways of dealing with the problem, although some have been canvassed.

The Board accepts that you, as a responsible licensed trainer, have taken steps to reduce the risk, but somewhere along the line there has been a breakdown in the system you employed. Certainly there is no suggestion that you have acted irresponsibly or in a cavalier fashion.

You have pleaded guilty, for which you receive credit. You are a person of good character and have no previous relevant convictions.

Hvasstan must be disqualified pursuant to Australian Rule 177 and as a result, you have suffered loss of prestige for having trained a Group 2 winner, and have suffered financial loss because of loss of your winning percentage, the first prize being \$142,500. Further, there is the potential loss of the horse's stud value.

In cases such as this, contrary to what Mr Sheales has submitted, general deterrence is the main sentencing consideration. In recent times, financial penalties for this type of offence have increased considerably. However, in all the circumstances of this case, the financial penalty at the lower end of the range of penalties open to the Board is the appropriate penalty.

Mr Gelagotis, you are fined the sum of \$2000, to be paid on or before 30 June 2013, and pursuant to Australian Rule 177, the horse must be and is disqualified.
