

RACING VICTORIA LIMITED
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RACING APPEALS AND
DISCIPLINARY BOARD



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HEARING RESULT

Distribution: Chief Executive
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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 27 September 2010

SUBJECT: HEARING RESULT – TRAINER: RAY CLEAVER

Panel Judge Russell Lewis (Chair), Mr Bill Kneebone, Mr Graeme Johnson.

Appearances Mr Cleaver appeared on his own behalf.
Racing Victoria's Dayle Brown appeared on behalf of the Stewards.

Charge Breach of AR 178.

The particulars of the charge being that a prohibited substance, Procaine, was detected in a urine sample taken from the gelding *Diggersanddealers* following its running in Race 4 the *Join MRC Now and Receive \$2000 Instant Value Handicap* (1700m) at Caulfield on Saturday, 17 July 2010.

Plea Guilty.

Decision Mr Cleaver convicted and fined the amount of \$2,000 – fine to be paid on or before 30 November 2010.

Diggersanddealers disqualified as the winner of Race 4 the *Join MRC Now and Receive \$2000 Instant Value Handicap* (1700m) at Caulfield on Saturday, 17 July 2010 and the places amended accordingly:

1st – *Dr Nipandtuck*, 2nd – *Miles Above*, 3rd – *Makeadreamcometrue* (NZ),
4th – *Gotta Keep Cool*, 5th – *Bolle*, 6th – *Al Wafi*, 7th – *De Arias* (NZ),
8th – *Even Adam*.

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 G. JOHNSON

EXTRACT OF PROCEEDINGS

DECISION

TRAINER: RAY CLEAVER

MELBOURNE

MONDAY, 27 SEPTEMBER 2010

MR D. BROWN appeared on behalf of the RVL Stewards

MR R. CLEAVER appeared on his own behalf

CHAIRMAN: Ray Cleaver, you have pleaded guilty to a charge laid under Australian Rule of Racing 178. The prohibited substance in this case was Procaine.

At all times you have maintained that how the Procaine came to be in the horse's system is a mystery. The evidence shows that a bottle containing, at most, a minute amount of Norocillin was present in the stable refrigerator on 1 July 2010, but was not present on 5 August 2010, the date on which the stewards arrived. The Norocillin had been used on a colt following a gelding operation on 18 December 2009 and was administered by injection.

There is no suggestion of sabotage in this case. One possibility which has been raised is the accidental ingestion of the drug in contaminated hay or other edible substances. The Board regards such a possibility as sheer speculation.

Although the Board is not required to find how the Procaine came to be in the horse's system, the Board is of the opinion that the likelihood is that the Norocillin was administered by injection by human agency. Certainly no satisfactory explanation has been provided by you, which may have represented a mitigating factor.

The appropriate penalty in this case is a monetary penalty. However, the Board takes into account your plea of guilty and your difficult financial position accentuated by the fact that you have lost your 10 per cent trainer's entitlement to prizemoney.

Mr Cleaver, you are convicted and fined the sum of \$2000, to be paid on or before 30 November 2010. Pursuant to Australian Rule 177, Diggersanddealers must be and is disqualified.

END OF EXTRACT