



HEARING RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 20 January 2016

SUBJECT: **HEARING RESULT – TRAINERS IN PARTNERSHIP:
TERRY AND KARINA O’SULLIVAN**

Panel Judge John Bowman (Chair).

Appearances Mr Terry Sullivan appeared on behalf of the training partnership.
Mr James Ogilvy appeared on behalf of the stewards.

Charge Breach of AR 178

Subject to AR 178G, 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 charge relating to a prohibited substance, being Dexamethasone, which was detected in a post-race urine sample taken from the horse *Dandy Gent* following its run in Race 2 at Sandown on 2 September 2015.

Plea Guilty.

Decision The training partnership of Terry and Karina O’Sullivan is convicted and fined the sum of \$3,000 (payment terms 28 days).

Pursuant to AR 177, *Dandy Gent* disqualified as second placegetter in Race 2 at Sandown on 2 September 2015 and the places amended accordingly.

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

HIS HONOUR JUDGE J. BOWMAN, Chairman

EXTRACT OF PROCEEDINGS

DECISION

**IN THE MATTER OF THE VALE BART CUMMINGS HANDICAP
OVER 2400 METRES AT SANDOWN ON 2/9/15**

**TRAINING PARTNERSHIP: TERRY AND KARINA O'SULLIVAN
RE: DANDY GENT**

MELBOURNE

WEDNESDAY, 20 JANUARY 2016

MR J. OGILVY appeared on behalf of the RVL Stewards

MR T. O'SULLIVAN appeared on behalf of the training partnership

CHAIRMAN: Mr Terry O'Sullivan and Ms Karina O'Sullivan, you have pleaded guilty to breaching Australian Rule 178, in that on 2 September 2015, you brought the horse Dandy Gent to the Sandown racecourse for the purpose of engaging in a race when a prohibited substance, namely dexamethasone or "dex" was detected in a sample taken from it post-race. The horse in fact ran 2nd.

I accept that there were two administrations of dex in two different forms, one administered by a vet, Dr Taylor, on 19 August 2015, 14 days before the race, and one by Ms O'Sullivan approximately four days before the race. I also accept that the O'Sullivans thought that this was a safe withhold period, having followed their usual routine, save that the period for pre-race administration had been moved out a day from three days to four days. I accept that the O'Sullivans have no prior convictions of any relevance and come with a clean record.

Firstly, the placing in the Vale Bart Cummings Handicap in which the horse ran and ran 2nd have to be amended. An order will be made to that effect, with Dandy Gent being removed from 2nd place. The loss of prizemoney so involved is doubtless a disappointment to the owners and represents some form of penalty in itself. Next, I take into account the O'Sullivans' very good record. I also take into account their cooperation with Stewards from the outset and their pleas of guilty.

However, strict liability applies and some correspondence concerning dex had been forwarded to trainers on 1 May 2015, so that the danger of using it shortly prior to race day should have been present in the minds of trainers. To administer further dex after Dr Taylor's initial administration was not the wisest course. Basically I accept that both the O'Sullivan's acted in good faith and with no intention of breaching the rule.

However, as stated, strict liability applies. Every case differs. Bearing in mind their good record, their cooperation and the circumstances generally, it seems to me that a fine is appropriate and it is also appropriate in my view for the penalty to be one which falls somewhere in the middle of the range of previous penalties in relation to the positive returns in relation to dex.

So the end result is that the placings of the race are amended and there is a fine of \$3000, with a stay of 28 days in relation to the payment of the penalty.
