

Racing Appeals & Disciplinary Board

Media Release

23 February 2017

Racing Appeals & Disciplinary Board

Date of Hearing: Thursday, 23 February 2017
Venue of Hearing: Law Institute of Victoria, 470 Bourke St, Melbourne
Panel: Mr. Shane Marshall (Chairman), Mr. Terry O'Connor (Deputy Chairman), and Mr. Peter Lee
Name of Person Charged: Mr. Patrick Furci
Town: Maribyrnong
Track: Ballarat
Date: 3 October 2016
GAR No: 83 (2)(3)

Offence Charged: Mr. Patrick Furci failed to present the greyhound 'Latte Donny' free of any prohibited substance for an event at the Ballarat meeting held on 3 October 2016.

REPORT:

Following advice from Racing Analytical Services Laboratory, the Stewards of Greyhound Racing Victoria conducted an investigation into the results of a pre-race urine sample taken from the greyhound 'Latte Donny' at the Ballarat meeting held on 3 October 2016.

During the investigation, Stewards received evidence from registered trainer Mr. Patrick Furci, Mr. David Batty (Racing Analytical Services Laboratory) and Dr. Steven Karamatic (GRV Chief Veterinarian).

After considering the evidence, Stewards charged Mr. Furci with a breach of Greyhounds Australasia Rule 83(2)(3) in that he failed to present the greyhound 'Latte Donny' free of any prohibited substance for an event at the Ballarat meeting held on 3 October 2016 given that the pre-race urine sample taken from the greyhound indicated the presence of the prohibited substance synephrine.

Under Rule 47.1 of the Greyhound Racing Victoria Local Rules a breach of GAR83 (2)(3) constitutes a Serious Offence. As a result on Thursday, 23 February 2017 this matter was heard before the Racing Appeals and Disciplinary Board in the first instance under Greyhound Local Racing Rule 47.3 and Sections 83C(b) and 83M(1) of the Racing Act.

The Racing Appeals & Disciplinary Board (RADB) is established under section 83B of the Racing Act (1958). The RADB is an independent Board established to hear and determine appeals in relation to decisions made under the rules to impose penalties on persons and to hear and determine charges made against persons for serious offences.

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Mr. Patrick Furci represented himself.

Mr. Marwan El-Asmar GRV Managing Principal Lawyer represented the Stewards Panel.

Mr. Patrick Furci pleaded guilty to the charge.

DECISION:

1. Mr. Patrick Furci is a registered greyhound trainer and the trainer of the greyhound "Latte Donny". Latte Donny competed in race 9 at Ballarat on 3 October 2016. A pre-race urine sample taken from the greyhound showed the presence of Synephrine.
2. Synephrine is a category 3 prohibited substance under a penalty guidelines document issued by Greyhound Racing Victoria ("GRV"). It is a stimulant which is capable of affecting the condition or performance of a greyhound in a positive way. It is naturally occurring in some plants, particularly in the leaves and fruit of citrus plants. According to Dr. Karamatic, GRV's Chief Industry Veterinarian, bitter orange is often the source of synephrine in herbal and nutritional supplements. In an additional statement provided to the Board, Dr. Karamatic stated that it is open to conclude that the source of the synephrine was from the greyhound eating oranges found in the backyard of Mr. Furci's property.
3. Stewards of GRV have charged Mr. Furci with presenting a greyhound for an event while not being free of a prohibited substance; see Greyhound Australasia Rule ("GAR") 83 (2) and (3). Mr. Furci has pleaded guilty to the charge. He claims that the source of the synephrine was Latte Donny eating oranges which had fallen from a tree in his backyard and/or eating them directly from the tree. The Stewards accept that explanation.
4. This is a highly unusual case where a positive swab has resulted from a most unusual circumstance. It seems that this case should be used as an educational tool by GRV to warn trainers about allowing greyhounds to access citrus trees or citrus fruit.
5. Under the penalty guidelines document a minimum of six months disqualification is suggested. In the current, unusual circumstances such a disqualification would be harsh. Given Mr. Furci's guilty plea and good record during his short training career the most appropriate penalty, in the circumstances, is a fine. We take that view very guided by the principles of specific and general deterrence, denunciation, the preservation of the integrity of greyhound racing as well as Mr. Furci's prospects of rehabilitation. We also take into account animal welfare considerations given Dr. Karamatic's view that synephrine has been associated with cardiotoxicity in animals.

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6. We are confident that Mr. Furci has learned his lesson and that he will ensure his greyhounds do not come into contact with citrus fruit again. Specific deterrence is not a large consideration. General deterrence and the integrity of the industry are important considerations as are animal welfare matters. In all the circumstances we consider the appropriate penalty is a \$1,000 fine but with all of that sum being wholly suspended pending no further breach of GAR 83 in the next 12 months. We do so bearing in mind that the offence is a category 3 offence. In addition, Latte Donny is disqualified from race 9 at Ballarat on 3 October 2016.

.....End.....