

1 August 2023

DECISION**GREYHOUND RACING VICTORIA**

and

PETER FULTON

- Date of hearing:** 19 July 2023
- Panel:** Judge John Bowman (Chairperson) and Mr Greg Childs.
- Appearances:** Mr Anthony Pearce appeared on behalf of the Stewards.
Mr Peter Fulton represented himself.
- Charge:** Greyhounds Australasia Rule (“GAR”) 141(1) states:
(1) The owner, trainer or other person in charge of a greyhound:
(a) nominated to compete in an Event;
(b) presented for a satisfactory trial or such other trial as provided for by the Rules; or
(c) presented for any test or examination for the purpose of a stand-down period being varied or revoked
must present the greyhound free of any prohibited substance.
- Particulars of charges:** **Charge 1**
1. You are, and were at all relevant times, a trainer licensed by Greyhound Racing Victoria and a person bound by the Greyhounds Australasia Rules.
 2. You were, at all relevant times, the trainer of the greyhound “Moraine Zorro”.
 3. Moraine Zorro was nominated to compete in Race 3, PALACE HOTEL WARRACKNABEAL, Grade 7, conducted by the Horsham Greyhound Racing Club at Horsham on 27 September 2022 (the Event).

4. On 27 September 2022, you presented Moraine Zorro at the Event not free of any prohibited substance, given that:

(a) A pre-race sample of urine was taken from Moraine Zorro upon arrival at the Event (the Sample);

(b) Atenolol was detected in the Sample.

Charge 2

1. You are, and were at all relevant times, a trainer licensed by Greyhound Racing Victoria and a person bound by the Greyhounds Australasia Rules.

2. You were, at all relevant times, the trainer of the greyhound “Moraine Zorro”.

3. Moraine Zorro was nominated to compete in Race 3, PALACE HOTEL WARRACKNABEAL, Grade 7, conducted by the Horsham Greyhound Racing Club at Horsham on 27 September 2022 (the Event).

4. On 27 September 2022, you presented Moraine Zorro at the Event not free of any prohibited substance, given that:

(a) A pre-race sample of urine was taken from Moraine Zorro upon arrival at the Event (the Sample);

(b) Hydrochlorothiazide and Chlorothiazide were detected in the Sample.

Pleas: Guilty to both charges

DECISION

Mr Peter Fulton, you are pleading guilty to two charges which arise out of the same sequence of events involving one greyhound trained by you.

That dog is “Moraine Zorro”, which ran in Race 3 at Horsham on 27 September 2022. It ran fourth in that race. A pre-race urine sampled proved positive to the prohibited substances atenolol, hydrochlorothiazide and chlorothiazide. Those substances have the potential to have a negative effect on performance.

As outlined by Mr Pearce on behalf of the Stewards, it is accepted that both sets of prohibited substances are likely to have come from the same source, namely medication taken by your mother. You and your mother live and work on a dairy farm of some 660 acres in the vicinity of Warrnambool. This is a demanding occupation, involving long hours. Your mother has a medical condition which requires her to take medication in a powdered form every day. Whilst precautions are taken, it is that medication which is the likely source of the substances the subject of the charges. There is no argument as to that proposition.

Unfortunately, this situation has arisen once before. We would refer to the decision of Greyhound Racing Victoria ("GRV") v Peter Fulton handed down by the Greyhound Racing Appeals and Disciplinary Board ("RADB") on 9 May 2018. A dog trained by you tested positive to atenolol, the likely source being the medication taken by your mother. You were suspended for two months.

We accept that great care has since been taken in relation to contact between your mother and the dogs, but she has continued to take an active role in their feeding and care. She has been careful to wear gloves and take precautions. However, the medication is in a powdered form. As stated, this is accepted as the likely cause of the positive swab.

You are 29 years of age. You have been a public trainer since August 2014. With the exception of the matter to which we have just referred, you have an excellent record. Because of the demands of the dairy farm, you are effectively a hobby trainer, with some six dogs and some pups and unraced dogs under your care. Apparently, your setup is highly satisfactory. With this limited number of dogs, you have been very successful, essentially for the one owning group of owners. You do not bet on your dogs and had not done so on this occasion.

We accept all of the above, including the effort of you and your mother to ensure that what occurred in relation to the 2018 offence did not occur again. We accept that numerous precautions were taken. We consider that you and she may have been extremely unlucky, given the measures that you took to prevent recurrence of the offence and the general care of your dogs that you take. We also note that you have pleaded guilty to the charges and have cooperated fully with the Stewards from the outset.

In all the circumstances, we are of the view that the penalties to which we now turn are appropriate and we again emphasise your otherwise excellent record, the high level of care of the dogs and maintenance of the kennels that you take, your complete cooperation with the Stewards and the generally favourable impression which you made.

The penalties are as follows.

On Charge 1, you are suspended for a period of four months, but of that period three months are suspended for 24 months. If you commit a relevant offence during that period, and we are confident that you will not, the further three month period of suspension will be activated. You are also fined the sum of \$1,000.

On Charge 2, the penalty of suspension is identical to that in Charge 1 and is to be concurrent with it. There is no fine in relation to Charge 2.

Thus, the total penalty is four months suspension with three months of that suspended for 24 months and a fine of \$1,000.

Moraine Zorro is disqualified from Race 3 at Horsham on 27 September 2022 and the finishing order is amended accordingly.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal