

25 January 2023

DECISION

GREYHOUND RACING VICTORIA

and

TROY SCOTT

- Date of hearing:** 18 January 2023
- Panel:** Justice Shane Marshall (Deputy Chairperson) and Mr Des Gleeson.
- Appearances:** Mr Damien Hannan, instructed by Mr James Buaban appeared on behalf of the Stewards.
Mr Troy Scott represented himself.

Charges and particulars:

Charge No. 1 of 3

Greyhounds Australasia Rule 86(u) reads as follows:

Rule 86 (u)

A person shall be guilty of an offence if the person –

- (u) Commits a breach of the rules relating to syndicates.

Particulars of Charge

1. You were at all relevant times, a public trainer/breeder licensed by Greyhound Racing Victoria (Public trainer/Breeder No.56431) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. You were, at all relevant times, the Sole Trader of Rising Star Kennels (RSK).

3. You did, between August 2017 and July 2019, sell to persons interests/ownership shares via Rising Star Kennels (RSK) in ten (10) different GRV registered greyhounds (as per attached Schedule 1).
4. You failed to register Syndicates in relation to the greyhounds in which interests/ownership shares were held (as per attached Schedule 1) as required by the Local Racing Rules 13.1.

**SCHEDULE 1 –
Ten (10) Syndicates**

1. RSK CLEO SYNDICATE - FLAMING CLEO
2. RSK CAMARO SYNDICATE - BLURRY FACE
3. RSK LIBERTY SYNDICATE - ALL FOR LIBERTY
4. RSK GLORY SYNDICATE - GLORIOUS ONE
5. RSK BALBOA SYNDICATE - UNNAMED - VHWVF
6. RSK BULLET SYNDICATE - BALLISTIC
7. RSK HUDSON SYNDICATE - HORNET HUDSON
8. RSK ARNIE SYNDICATE - ARNINATOR
9. RSK MICHONNE SYNDICATE – UNNAMED - NGFHH
10. RSK DUSTY SYNDICATE - UNNAMED - VGPJO

Charge No. 2 of 3

Greyhounds Australasia Rule 86(q) reads as follows:

Rule 86 (q)

A person shall be guilty of an offence if the person –

(q) commits or omits to do any act or engages in conduct which is in any way detrimental or prejudicial to the interest, welfare, image, control or promotion of greyhound racing.

Particulars of Charge

1. You were at all relevant times, a public trainer/breeder licensed by Greyhound Racing Victoria (Public trainer/Breeder No.56431) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. You were at the relevant times the Sole Trader of Rising Star Kennels (RSK).
3. You did, between August 2017 and July 2019, sell to persons interests / ownership shares via the Rising Star Kennel (RSK) in ten (10) different GRV registered greyhounds (as per attached Schedule 1).
4. You engaged in conduct which was detrimental or prejudicial to the interest, image, and promotion of greyhound racing in that you failed to:
 - i. register the syndicates with GRV;
 - ii. supply receipts for shares purchased;
 - iii. supply Owners Certificates for shares purchased;
 - iv. pay winnings monthly;
 - v. advise that a greyhound you sold shares in was not in your control;
5. These acts are, both individually and altogether, detrimental and prejudicial to the interest, image and promotion of greyhound racing in that they have negatively impacted upon the trust and confidence of members of the public getting involved in Greyhound Racing.

Charge No. 3 of 3

Greyhounds Australasia Rule 86(o) reads as follows:

Rule 86 (o)

A person shall be guilty of an offence if the person –

(o) has in relation to a greyhound or greyhound racing, done a thing or omitted to do a thing which, in the opinion of the Stewards or the Controlling Body, as the case may be, is negligent, dishonest, corrupt, fraudulent or improper, or constitutes misconduct.

Particulars of Charge

1. You were at all relevant times, a public trainer/breeder licensed by Greyhound Racing Victoria (Public trainer/Breeder No.56431) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. You were at the relevant times the Sole Trader of Rising Star Kennels (RSK).
3. You did, between September 2017 and July 2019, sell to persons interests / ownership shares via the Rising Star Kennel (RSK) in ten (10) different GRV registered greyhounds (as per attached Schedule 1).
4. You did in relation to greyhound racing engage in the following conduct, which in the opinion of the Stewards, was, individually and altogether, dishonest, improper, constitutes misconduct, or alternatively was negligent, in that you:
 - I. Advertised and sold shares in greyhounds for syndication in which you never registered.
 - II. You failed to keep complete proper records and systematically failed to comply with financial agreements.
 - III. You sold shares in a greyhound you had no control over (Montey Jack Microchip No. 956000005583756).
 - IV. You failed to comply with a number of terms of the RSK Syndicate Contracts.
 - V. You failed to interact with syndicate members with respect.
 - VI. You transferred greyhounds to a third party instead of registering a syndicate.

Pleas: Not Guilty to all charges.

DECISION

1. After a contested hearing on 5 September 2022, Mr Scott was found guilty of 3 breaches of the rules of greyhound racing in a decision of the Tribunal published on 18 September 2022.
2. This decision dealing with penalty is to be read together with that decision (“the liability decision”).

3. The first charge of which Mr Scott was found guilty was a breach of Greyhounds Australasia Rule (GAR) 86(u), a Rule relating to syndicates. During the hearing, Mr Scott made admissions concerning all elements of the offence, but persisted with a not guilty plea. This is a particularly serious charge. This issue was discussed by the Tribunal in the matter of Trickett of 17 March 2022. There the Tribunal noted that the failure to register syndicates strikes at the heart of the syndications process and lessens the confidence of the public in the industry. Unlike the present case, Mr Trickett pleaded guilty and co-operated with the Stewards. He was disqualified for 4 years on that charge.
4. In this case a disqualification period of 5 years is appropriate. The offences were largely as a result of Mr Scott's lack of attention to his obligations, but that is no excuse. Behaviour of the type engaged in by him undermines the syndication process. He has no insight into his offending and has shown no remorse.
5. General deterrence demands a lengthy disqualification. The protection of the public is also an important consideration, as is just punishment and denunciation of the conduct.
6. The second offence is under GAR 86(q). Mr Scott is guilty of this charge, given that his conduct constituted acts which were detrimental to the interests of greyhound racing. Mr Scott also pleaded not guilty to this charge. It also involved failure to issue receipts for ownership shares, failure to pay prize money and failure to advise about the sale of shares in a greyhound which was not in his control. On this charge we impose a penalty of 6 months disqualification, but make it wholly concurrent with the penalty on Charge 1, as the conduct is inextricably linked to the conduct the subject of Charge 1.
7. Charge 3 concerned a breach of GAR 86(o) regarding dishonest, improper behaviour and misconduct. The particulars of the charge are largely repetitive of the particulars of Charge 2. On that Charge we impose a 6 month disqualification, but make it wholly concurrent with the 5 year disqualification on Charge 1.
8. The actual total operative penalty of 5 years disqualification shall commence immediately. We note that Mr Scott's registration as a public trainer expired on 26 July 2022 and that he has not sought to renew it.

Mark Howard
Registrar, Victorian Racing Tribunal

18 October 2022

DECISION

GREYHOUND RACING VICTORIA

and

TROY SCOTT

Date of hearing: 5 September 2022

Panel: Justice Shane Marshall (Deputy Chairperson) and Mr Des Gleeson.

Appearances: Mr Damien Hannan, instructed by Mr James Buaban appeared on behalf of the Stewards.
Mr Troy Scott represented himself.

Charges and particulars:

Charge No. 1 of 3

Greyhounds Australasia Rule 86(u) reads as follows:

Rule 86 (u)

A person shall be guilty of an offence if the person –

(u) Commits a breach of the rules relating to syndicates.

Particulars of Charge

1. You are, and were at all relevant times, a public trainer/breeder licensed by Greyhound Racing Victoria (Public trainer/Breeder No.56431) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. You were, at all relevant times, the Sole Trader of Rising Star Kennels (RSK).

3. You did, between September 2017 and July 2019, advertise and/or sell shares via the Rising Star Kennels (RSK) Website and Facebook page in eighteen (18) different GRV registered greyhounds to members of the public (as per attached Schedule 1).
4. You failed to register any Public Syndicates with Greyhound Racing Victoria as required pursuant to **GRV Local Racing Rules 13.1 – 13.5.**

**SCHEDULE 1 –
Eighteen (18) Syndicates**

1. RSK CLEO SYNDICATE - FLAMING CLEO
2. RSK CAMARO SYNDICATE - BLURRY FACE
3. RSK LIBERTY SYNDICATE - ALL FOR LIBERTY
4. RSK GLORY SYNDICATE - GLORIOUS ONE
5. RSK BALBOA SYNDICATE - UNNAMED - VHWVF
6. RSK BULLET SYNDICATE - BALLISTIC
7. RSK MCGREGOR SYNDICATE - UNNAMED - VHDRO
8. RSK JEWEL SYNDICATE - UNNAMED - VHDRV
9. RSK HUDSON SYNDICATE - HORNET HUDSON
10. RSK ARNIE SYNDICATE - ARNINATOR
11. RSK MICHONNE SYNDICATE – UNNAMED - NGFHH
12. RSK HENRY SYNDICATE - FONZARELLI
13. RSK BROCKY SYNDICATE - BROCLY
14. RSK DUSTY SYNDICATE - UNNAMED - VGPJO
15. RSK SALLY SYNDICATE - UNNAMED - VGCYF

16. RSK JAYDA SYNDICATE – SIDE HUSTLE
17. RSK BESSIE SYNDICATE - ZERO FOXTROT
18. RSK LARA SYNDICATE - LOOMING LARA

Charge No. 2 of 3

Greyhounds Australasia Rule 86(q) reads as follows:

Rule 86 (q)

A person shall be guilty of an offence if the person –

(q) commits or omits to do any act or engages in conduct which is in any way detrimental or prejudicial to the interest, welfare, image, control or promotion of greyhound racing.

Particulars of Charge

1. You are, and were at all relevant times, a public trainer/breeder licensed by Greyhound Racing Victoria (Public trainer/Breeder No.56431) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. You were at the relevant times the Sole Trader of Rising Star Kennels (RSK);
3. You, being a GRV registered trainer, did between September 2017 and July 2019 advertise and/or sell shares via the Rising Star Kennel (RSK) Website and Facebook page in eighteen (18) different GRV registered greyhounds to members of the public.
4. You engaged in conduct which was detrimental or prejudicial to the interest, image, and promotion of greyhound racing in that you failed to:
 - i. register the syndicates with GRV;
 - ii. supply receipts for shares purchased;
 - iii. supply Owners Certificates for shares purchased;
 - iv. pay winnings monthly;
 - v. advise that a greyhound you sold shares in was not in your control;

5. These acts are detrimental and prejudicial to the interest, image and promotion of greyhound racing in that it has negatively impacted upon the trust and confidence of members of the public getting involved in Greyhound Racing.

Charge No. 3 of 3

Greyhounds Australasia Rule 86(o) which reads as follows:

Rule 86 (o)

A person shall be guilty of an offence if the person –

(o) has in relation to a greyhound or greyhound racing, done a thing or omitted to do a thing which, in the opinion of the Stewards or the Controlling Body, as the case may be, is negligent, dishonest, corrupt, fraudulent or improper, or constitutes misconduct.

Particulars of Charge

1. You are, and were at all relevant times, a public trainer/breeder licensed by Greyhound Racing Victoria (Public trainer/Breeder No.56431) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. You were at the relevant times the Sole Trader of Rising Star Kennels (RSK)
3. You, being a GRV registered trainer, did between September 2017 and July 2019 advertise and/or sell shares via the Rising Star Kennel (RSK) Website and Facebook page in eighteen (18) different GRV registered greyhounds to members of the public.
4. You did in relation to greyhound racing engage in conduct, which in the opinion of the Stewards, was dishonest, improper or constitutes misconduct in that you.
 - I. Advertised and sold shares in greyhounds for syndication in which you never registered.
 - II. You failed to keep complete proper records and systematically failed to comply with financial agreements.
 - III. You sold shares in a greyhound you had no control over (Montey Jack Microchip No. 956000005583756).

- IV. You failed to comply with a number of terms of the RSK Syndicate Contracts.
- V. You failed to interact with syndicate members with respect.
- VI. You transferred greyhounds to a third party instead of registering a syndicate.

Pleas: Not Guilty to all charges.

DECISION

1. Mr Troy Scott was at all material times a registered greyhound trainer/breeder. He was also a sole trader who operated a business called Rising Star Kennels (“RSK”). RSK was operated by Mr Scott for the purposes of selling shares in greyhounds to the general public.
2. Stewards of Greyhound Racing Victoria (“GRV”) have laid three charges against Mr Scott, with respect to the period from August 2017 to July 2019, concerning problems with the operation of RSK.
3. The first charge is under Greyhounds Australasia Rule (“GAR”) 86(u) (as it then stood), which prohibited the failure to register syndicates in relation to greyhounds in which ownership shares are held as required by Local Racing Rule 13.1 (“LRR 13.1”).
4. At all material times LRR 13.1 required the registration of a syndicate where a greyhound is owned by two or more persons, but from 1 January 2019, it required such a syndicate to be registered as a public or private one. The distinction is not important for current purposes.
5. The first charge alleges that between August 2017 and July 2019 Mr Scott sold ownership shares in 10 greyhounds, but failed to register a syndicate in respect of any of them. During the course of the hearing on 5 September 2022, Mr Scott admitted all elements of this offence. A subsequent analysis by counsel for the GRV Stewards showed that the offence was made out in respect of 9 greyhounds.
6. We are comfortably satisfied that, based on the evidence before the Tribunal, the admissions made to investigative Stewards on 10 July 2019 and admissions made by Mr Scott in the hearing that this offence has been proved by the Stewards with respect to the 9 syndications referred to.
7. The nine syndications which were not registered were:

RSK CLEO SYNDICATE
RSK CAMARO SYNDICATE
RSK LIBERTY SYNDICATE
RSK GLORY SYNDICATE
RSK BALBOA SYNDICATE
RSK BULLET SYNDICATE
RSK HUDSON SYNDICATE
RSK MICHONNE SYNDICATE
RSK DUSTY SYNDICATE

The RSK ARNIE SYNDICATE was registered in February 2019, notwithstanding that shares were purchased in or about February 2018.

8. Mr Scott pleaded not guilty to Charge 1, although he conceded in the hearing that the elements of it were established. He claimed he was unaware of the provision in LRR 13.1 at each relevant time. However, he registered other syndicates within the relevant period. Subject to hearing sentencing submissions with respect to this charge, it is most likely that those syndications were not registered on account of administrative inefficiency and/or neglect on the part of Mr Scott.
9. Mr Scott is also charged under GAR 86(q), as it then stood, which, amongst other things prohibits conduct detrimental and prejudicial to the interest, image and promotion of greyhound racing. Stewards allege that Mr Scott breached that Rule by failing to register the above 9 syndications with GRV, failing to supply receipts for shares purchased, failing to supply owners certificates for shares purchased, failing “to pay winnings monthly and failing to advise that a greyhound (he) sold shares in was not in (his) control”. It is alleged that these failures individually and cumulatively were prejudicial to the interest, image and promotion of greyhound racing by negatively impacting the trust and confidence of members of the public.
10. Mr Scott also pleaded not guilty to Charge 2. We are comfortably satisfied that it has been made out. As the Tribunal said in *Greyhound Racing Victoria v Trickett*, a failure to register syndicates “lessens confidence in the industry”. Also, in *Trickett* at [7] the Tribunal said that:

“Ownership in a greyhound must be readily discernible to assist probity in the industry and to promote public involvement in a reputable industry”.
11. Failure to register syndicates was detrimental to the industry. Mr Scott’s failure to issue receipts for syndicate related purchases was also detrimental to the industry and lessened

confidence in its image. It is not good enough to say that he issued them to those who asked for receipts. It must be normal business practice in any syndication process in the industry for receipts to be issued. The RSK syndicate contract in clause 6 states that "Shareholders will be given a receipt for each payment made for their shares". Mr Chad Henderson gave evidence of not receiving a receipt to acknowledge his payments to RSK.

12. Mr Scott also failed to issue owners certificates for shares purchased. Mr Mathison, Mr Henderson and Mr Maiolo all gave evidence of not receiving owners certificates which they were entitled to receive under clause 8 of the RSK contract.
13. Mr Scott also failed to pay prize money to some syndicate members, either on time or at all. Evidence to that effect was given by Mr Mathieson and Mr Henderson. In response, Mr Scott suggested that prize money was held up many times by GRV due to swabs. Even if that was so, there is no excuse for not paying out prize money at all, as stated by Mr Mathieson and Mr Henderson. We accept their evidence in that regard.
14. Mr Scott also failed to advise syndicate members that a greyhound he sold shares in was not in his control. This was as a result of Mr Scott confusing one greyhound called "Dusty" with another called "Montey Jack". Those dogs were identical fawn males from the same litter. Mr Scott supplied the wrong micro-chip number in respect of them to the owners. However, this failure to be careful and precise had consequences for owners in Dusty and for Mr Mathieson, in particular, who discovered that the dog he believed to be Dusty was not part owned by him was never in the control of Mr Scott. Incidents like that decrease public confidence in the industry.
15. We are comfortably satisfied that these failures, referred to in the particulars of Charge 2, cumulatively (and in most cases individually) are prejudicial to the image of greyhound racing and impact on the trust and confidence in the industry held by members of the public contemplating becoming involved in greyhound racing. We find Mr Scott guilty on Charge 2.
16. Mr Scott is also charged under GAR 86(o), as it then stood. That provision prohibited conduct which, in the opinion of the Stewards or Controlling Body, is dishonest, improper, constitutes misconduct or is negligent.
17. Stewards submitted that the following conduct was dishonest, improper or constituted misconduct or alternatively was negligent:
 - Advertising and selling shares in greyhounds for syndication which was not registered.

- Failing to keep complete and proper records and systematically failing to comply with financial agreements.
 - Selling shares in a greyhound over which he had no control over.
 - Failing to comply with a number of terms of the RSK Syndicate Contracts.
 - Failing to interact with syndicate members with appropriate respect.
 - Transferring greyhounds to a third party instead of registering a syndicate.
18. Mr Scott also pleaded not guilty to Charge 3. All but the final two particulars of the charge were repetitive of matters relevant under Charge 2. Mr Mathieson, Mr Henderson, Mr Maiolo and Mr James all gave evidence of Mr Scott failing to interact with them. Mr Mathieson referred to Mr Scott removing him from a Facebook group so that he could not follow what was happening with the relevant greyhound. Mr Scott produced documentary evidence in his submissions stressing that Mr Mathieson left the Facebook group voluntarily, but that was after his inquiries were ignored by Mr Scott. Mr Henderson gave evidence of Mr Scott responding to him in a rude manner. Mr Maiolo referred to abusive language and name calling by Mr Scott on Messenger. Mr James described his whole experience with Mr Scott as “horrible”. In response Mr Scott gave evidence of screen shots taken of abuse given to him by other people in the industry and which showed that he was “very sorry” that he let Mr James down. None of the abuse came from Mr Mathieson or Mr Henderson. Mr Scott gave evidence about derogatory comments made on social media about him by Mr Maiolo. However, any inappropriate behaviour by Mr Maiolo does not justify the behaviour of Mr Scott in relation to his greyhound syndications.
19. In some cases, greyhounds were transferred into the name of Mr Taylor Scott, Mr Scott’s son, instead of a syndicate being registered in respect of them. Mr Scott did this because of a pending suspension, but without the knowledge of the owners involved in the syndicate and without actually registering the syndicate. He also claimed that he did so because he had trouble getting sufficient people to allow a syndicate to be registered.
20. We accept the submissions of the Stewards that this conduct went beyond mere negligence. It was, in the main, dishonest, improper and constituted misconduct. It is the sort of behaviour that gives syndication in the industry a bad name. We are comfortably satisfied that Charge 3 is made out. Mr Scott is guilty of Charge 3.
21. We note that, in a written submission, Mr Scott has alleged that allegations raised against him by persons involved in RSK and who are mentioned above as having given evidence in this proceeding, were false. Mr Scott was offered the opportunity in the hearing to cross examine any witnesses called by GRV but declined to do so. The evidence was then closed and written submissions were programmed. He later sought to re-open his case to cross examine some witnesses. He provided no explanation for his change of mind and

did not refer to any change of circumstances. An adjournment to allow him to reopen his case would have led to an unacceptable delay to the finalisation of the matter. His request was refused, given that written submissions had been ordered and programmed and Mr Scott had a prior opportunity to question those witnesses, and opportunity which he declined. We accepted the evidence of GRV witnesses where it conflicted with that of Mr Scott, as it was unchallenged before us.

22. The Tribunal will shortly conduct a directions hearing to program a hearing on the question of penalty, given the three findings of guilty.

Mark Howard
Registrar, Victorian Racing Tribunal