

2 July 2024

DECISION

GREYHOUND RACING VICTORIA

and

MARY INGUANTI

and

VITO INGUANTI

- Date of hearing:** 13 June 2024
- Date of decision:** 13 June 2024
- Panel:** Judge John Bowman (Chairperson) and Ms Maree Payne.
- Appearances:** Mr Timothy Brook appeared on behalf of the Stewards.
Mrs Mary Inguanti represented herself.
Mr Vito Inguanti represented himself.
- Charges:** 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.
- GAR 142(1) states:
(1) An offence is committed if a person:
(a) administers, attempts to administer or causes to be administered a prohibited substance to a greyhound;
(b) aids, abets, counsels or procures the administration of or an attempt to administer a prohibited substance to a greyhound;
or

(c) has prior knowledge of a prohibited substance being administered or attempted to be administered to a greyhound, which is established in any sample taken from a greyhound presented for an Event or when subject to any other contingency pursuant to the Rules.

Particulars:

Mary Inguanti

Charge 1: GAR 141(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 "Madam Nova".

3. Madam Nova was nominated to compete in Race 9, BROAD TREE CARE (250+ RANK), Grade 6, conducted by the Warrnambool Greyhound Racing Club at Warrnambool on 28 February 2023 (the Event).

4. On 28 February 2023, you presented Madam Nova at the Event not free of any prohibited substance, given that:

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

(b) Cobalt was detected at a mass concentration of greater than 100 nanograms per millilitre in the Sample.

Charge 2: GAR 142(1)

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

2. You were, at all relevant times, the trainer of the greyhound "Madam Nova".

3. Madam Nova was presented for, and competed in, Race 9, BROAD TREE CARE (250+ RANK), Grade 6, conducted by the Warrnambool Greyhound Racing Club at Warrnambool on 28 February 2023 (the Event).

4. You caused to be administered to Madam Nova, a prohibited substance, being Cobalt, which was detected in a sample taken from Madam Nova in that:

(a) You authorised Mr Vito Inguanti to be responsible for the feeding of, and administration of supplements to, Madam Nova;

(b) Three (3) products containing cobalt, namely “Livamol”, “Ironcyclen” and “Feramo D”, were identified at your kennels on 3 April 2023;

(c) A pre-race sample of urine was taken from Madam Nova upon arrival at the Event (the Sample);

(d) Cobalt was detected at a mass concentration of greater than 100 nanograms per millilitre in the Sample; and

(e) The mass concentration of cobalt detected in the sample could only be caused by the administration of cobalt.

Vito Inguanti

Charge 1: GAR 141(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 “Inga Luna”.

3. Inga Luna was nominated to compete in Race 12, SPORTSBET SAME RACE MULTI (250+ RANK), Grade 5, conducted by the Warrnambool Greyhound Racing Club at Warrnambool on 28 February 2023 (the Event).

4. On 28 February 2023, you presented Inga Luna at the Event not free of any prohibited substance, given that:

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

(b) Cobalt was detected at a mass concentration of greater than 100 nanograms per millilitre in the Sample.

Charge 2: GAR 142(1)

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

2. "Madam Nova" was presented for, and competed in, Race 9, BROAD TREE CARE (250+ RANK), Grade 6, conducted by the Warrnambool Greyhound Racing Club at Warrnambool on 28 February 2023 (the Event).

3. You administered, or caused to be administered, to Madam Nova, a prohibited substance, being Cobalt, which was detected in a sample taken from Madam Nova in that:

(a) You were responsible for the feeding of, and administration of supplements to, Madam Nova;

(b) Three (3) products containing cobalt, namely "Livamol", "Ironcyclen" and "Feramo D", were identified at your kennels on 3 April 2023;

(c) A pre-race sample of urine was taken from Madam Nova upon arrival at the Event (the Sample);

(d) Cobalt was detected at a mass concentration of greater than 100 nanograms per millilitre in the Sample; and

(e) The mass concentration of cobalt detected in the sample could only be caused by the administration of cobalt.

Charge 3: GAR 142(1)

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

2. You were, at all relevant times, the trainer of the greyhound “Inga Luna”.

3. Inga Luna was presented for, and competed in, Race 12, SPORTSBET SAME RACE MULTI (250+ RANK), Grade 5, conducted by the Warrnambool Greyhound Racing Club at Warrnambool on 28 February 2023 (the Event).

4. You administered, or caused to be administered, to Inga Luna, a prohibited substance, being Cobalt, which was detected in a sample taken from Inga Luna in that:

(a) You were responsible for the feeding of, and administration of supplements to, Inga Luna;

(b) Three (3) products containing cobalt, namely “Livamol”, “Ironcyclen” and “Feramo D”, were identified at your kennels on 3 April 2023;

(c) A pre-race sample of urine was taken from Inga Luna upon arrival at the Event (the Sample);

(d) Cobalt was detected at a mass concentration of greater than 100 nanograms per millilitre in the Sample; and

(e) The mass concentration of cobalt detected in the sample could only be caused by the administration of cobalt.

Pleas:	Mary Inguanti:	Guilty
	Vito Inguanti:	Guilty

DECISION

Mr Vito Inguanti and Mrs Mary Inguanti are both pleading guilty to the Charges laid against them. There are three Charges against Mr Inguanti and two against Mrs Inguanti.

The Charges arise out of positive swabs taken from two dogs that competed at Warrnambool on 28 February 2023. Mr Inguanti is charged with a breach of Greyhounds Australasia Rule (“GAR”) 141(1) and 142(1) in respect of “Inga Luna” which competed in Race 12. He is also charged with a breach of GAR 142(1) in relation to “Madam Nova”, which competed in Race 9. In each instance, the prohibited substance was cobalt and the Charges could be summarised as involving presentation and administration in the case of Inga Luna and administration in the case of Madam Nova. Mrs Inguanti is charged with breaches of GAR 141(1) and 142(1) in relation to Madam Nova. Mr and Mrs Inguanti had four other dogs racing at the meeting. They did not provide positive returns.

It is accepted by the Stewards that the readings were not over the prescribed limit by a great margin, although it was also submitted by Mr Timothy Brook, on behalf of the Stewards, that what could be called the “cut off line” is set at a very reasonable level.

In our opinion, there are strong mitigating factors in these matters. Firstly, Mr Inguanti did the feeding which lead to the elevated readings. We accept that he had just received medical advice to the effect that he was suffering from a very serious medical condition. To put it in everyday terms, his mind was not on the job. Mrs Inguanti was reluctant to let him do the feeding, but that was part of the regular routine and she let him do it. Cobalt was contained in that feed. We accept that accidentally he gave the dogs, or at least two of them, a larger serve than normal.

Secondly, Mr Inguanti has been a licensed trainer for approximately 30 years and Mrs Inguanti for eight years. Both have unblemished records.

The importance of that is underlined by the fact that at any one time they may have between 60 and 70 dogs on their property, which also has its own track. The usual maximum number

of their own dogs is about 20, with 40 or more being broken in and the like for other people. The track which they have on the property is full sized.

They are assisted in their work by their son, who now does such things as the conveying of dogs to the races and other duties. They have one dog as an act of charity for a young person.

They are greatly attached to greyhounds. We accept that, apart from being a full time business for them, they have a long standing love affair with the dogs. Even though Mr Inguanti is now considerably restricted as to what he can do, they continue to devote their time and energy to their business and to greyhounds.

We accept that what occurred was totally accidental and, as stated, at a time when Mr Inguanti had just received very bad health news. We repeat that they have had involvement in the industry at a high level and have outstanding records.

Mr Brook argued a period of suspension on each Charge for a period of 12 months, all concurrent, but with 11 of those 12 months suspended for 12 months – that is, an effective immediate suspension of one month. We appreciate his arguments on the need to enforce and underline the importance of a drug free industry.

Those are important considerations. However, in the singular circumstances of these cases, we are of the view that no period of actual suspension should be imposed. In our view, again underlining the almost compelling factors operating in their particular cases, the period of 12 months suspension should be imposed in relation to each charge, but that each such period of suspension is in turn suspended for 12 months.

If either Mr or Mrs Inguanti commit a relevant offence during that 12 month period, the 12 month suspension will be activated. We consider that to be highly unlikely.

Finally, Madam Nova is disqualified from Race 9 and Inga Luna is disqualified from Race 12 at Warrnambool on 28 February 2023 and the finishing order is amended accordingly.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal