

7 March 2024

DECISION

GREYHOUND RACING VICTORIA

and

PASQUALE DERUBEIS

- Date of hearing:** 27 February 2024
- Panel:** Judge Marilyn Harbison (Deputy Chairperson) and Ms Maree Payne.
- Appearances:** Mr Timothy Brook appeared on behalf of the Stewards. Mr Pasquale Derubeis 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:** **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 “Spartan’s Fury”.
 3. Spartan’s Fury was nominated to compete in Race 7, SPORTSBET MAKE IT LOOK EASY, Grade 5 T3, conducted by the Traralgon Greyhound Racing Club at Traralgon on 3 April 2023 (the Event).

4. On 3 April 2023, you presented Spartan's Fury at the Event not free of any prohibited substance, given that:

(a) A pre-race sample of urine was taken from Spartan's Fury at the Event (the Sample);

(b) Caffeine, theophylline, paraxanthine and theobromine were 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 "Valhalla Boy".

3. Valhalla Boy was nominated to compete in Race 5, JASON McKEOWN PHOTOGRAPHY, Grade 5, conducted by the Healesville Greyhound Racing Association at Healesville on 3 April 2023 (the Event).

4. On 3 April 2023, you presented Valhalla Boy at the Event not free of any prohibited substance, given that:

(a) A post-race sample of urine was taken from Valhalla Boy at the Event (the Sample);

(b) Caffeine, theophylline, paraxanthine and theobromine were detected in the Sample.

Charge 3

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 "Valhalla Boy".

3. Valhalla Boy was nominated to compete in Race 10, LV FORKLIFTS, Mixed 4/5, conducted by the Traralgon Greyhound Racing Club at Traralgon on 14 April 2023 (the Event).

4. On 14 April 2023, you presented Valhalla Boy at the Event not free of any prohibited substance, given that:

(a) A post-race sample of urine was taken from Valhalla Boy at the Event (the Sample);

(b) Caffeine, theophylline, paraxanthine and theobromine were detected in the Sample.

Charge 4

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 "Valhalla Boy".

3. Valhalla Boy was nominated to compete in Race 9, MCMAHON BUILDERS, Mixed 4/5, conducted by the Traralgon Greyhound Racing Club at Traralgon on 28 April 2023 (the Event).

4. On 28 April 2023, you presented Valhalla Boy at the Event not free of any prohibited substance, given that:

(a) A post-race sample of urine was taken from Valhalla Boy at the Event (the Sample);

(b) Caffeine, theophylline, paraxanthine and theobromine were detected in the Sample.

Pleas: Guilty

DECISION

1. Mr Pasquale Derubeis has been a greyhound trainer since 2017.
2. Mr Derubeis, at all material times, was the trainer of a greyhound “Spartan’s Fury”. On the 3 April 2023, a pre-race urine sample was taken from the greyhound and it was ultimately found that the dog had caffeine and its metabolites, theophylline, paraxanthine and theobromine, present in its system. Mr Derubeis is therefore charged with one presentation offence.
3. It was also discovered that caffeine and its metabolites were present in another greyhound, “Valhalla Boy”, trained by Mr Derubeis and presented, in April 2023 on three occasions, for an event whilst not free of a prohibited substance.
4. Mr Derubeis is therefore facing four presentation offences. Each arises out of similar circumstances.
5. There is only one veterinary product which contains caffeine. It is an appetite stimulant. There is no suggestion in this case that this product was used by Mr Derubeis. Caffeine and its metabolites are stimulants which increase the metabolic rate of a dog and stimulate its central nervous system. Thus, caffeine improves performance in greyhounds. It is commonly found in coffee, tea, soft drinks and energy drinks.
6. Mr Derubeis was visited by the Stewards on 9 May 2023 and participated in a preliminary inquiry on 18 August 2023. On those occasions, he told the Stewards that he could think of nothing at his kennels which had caused the caffeine to be ingested by a dog. At the time of the visit on 9 May 2023, the Stewards undertook a kennel inspection and could find nothing at the kennels which contained caffeine. Mr Derubeis told the Stewards that his mother, father and girlfriend had access to the property and that his father did the morning feed. However, he made sure that no liquid, other than bottled water, was stored at the kennels.
7. Mr Derubeis is shift worker. He has a habit of drinking one Red Bull energy drink every morning before he feeds the dogs. He told the Stewards that he washes his hands before feeding the dogs, but did concede that he did not wear gloves. He described himself as being dumbfounded at the presence of the caffeine in the dogs, particularly as he has had two prior instances of contamination. Since those instances, he has been scrupulous about cleanliness in the kennels and alert to the danger of contamination of feed.

8. Mr Derubeis wondered whether either dog may have ingested caffeine at the Traralgon track. He described there being empty coke and coffee cups which he had observed being habitually left in the area in which the dogs urinated before racing. He said that he had complained about this to the Stewards on several occasions. He also wondered whether the caffeine had come about as a result of a change of kibble.
9. We had available to us a report from Dr Steven Karamatic, Chief Veterinarian at Greyhound Racing Victoria (“GRV”), regarding these matters. The kibble being used was tested and found not to contain any caffeine. Dr Karamatic observed that it may have been possible for caffeine to have been ingested by contact with an empty coffee cup or coke can, although it was unlikely that this would occur on four separate occasions. He thought it could also have come from the Red Bull that Mr Derubeis regularly drank before feeding the dogs.
10. Mr Derubeis has pleaded guilty to the charges. He was fully cooperative with the Stewards. He recognises that it is his responsibility to ensure that a dog is presented free of prohibited substances and that it is not necessary for the Stewards to prove where the drug came from, or that he intended to administer it to his greyhound. He conceded in the preliminary inquiry that he had not read the Industry Notices regarding contaminants in feed, although he did know that caffeine was a prohibited substance.
11. In sentencing him, we take into account the fact that he has two prior offences relating to prohibited substances, although we do not have many details about the circumstances. These prior offences were not relied on by the Stewards to justify a higher penalty, given some extenuating circumstances.
12. We also take into account a character reference from Mr Derubeis’ employer which has been provided to us and a statement which he prepared and also provided to us.
13. In all the circumstances, on each charge, we impose a four month suspension, which is wholly suspended for 12 months. We order that these penalties be served concurrently, given that they each arise out of similar facts. In making the order for concurrency, we note that Mr Derubeis was not advised of the outcome of the first swab from Spartan’s Fury before he entered Valhalla Boy in the three races which are the subject matter of Charges 2, 3, and 4, leaving him no opportunity to correct the situation.
14. We also fine Mr Derubeis \$500 on each charge. These fines are not imposed concurrently therefore, the total amount of fines imposed is \$2,000.
15. In addition, Spartan’s Fury is disqualified from Race 7 at Traralgon on 3 April 2023 and Valhalla Boy is disqualified from Race 5 at Healesville on 3 April 2023, Race 10 at Traralgon

on 14 April 2023 and Race 9 at Traralgon on 28 April 2023. In each instance, the finishing order is amended accordingly.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal