

3 July 2024

**DECISION****GREYHOUND RACING VICTORIA**

and

**STAVROS KIPIRTIDIS**

<b>Dates of hearings:</b>	11 April 2024 and 19 April 2024
<b>Date of decision:</b>	3 July 2024
<b>Panel:</b>	Judge John Bowman (Chairperson) and Ms Judy Bourke.
<b>Appearances:</b>	Mr Willem Drent instructed by Mr Anthony Pearce appeared on behalf of the Stewards. Mr Gavin Ithier represented Mr Stavros Kipirtidis.

**Charges and particulars:****Charge No. 1 of 4**

Greyhounds Australasia Rule 156 (f)(i) reads as follows:

*An offence is committed if a person (including an official):*

*(f) has, in relation to a greyhound or greyhound racing, done something, or omitted to do something, which, in the opinion of a Controlling Body or the Stewards:*

*(i) is corrupt, fraudulent, or dishonest;*

**Particulars of the Charge being:**

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (**GRV**) (Member No. 19819) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. At all relevant times you were the owner and trainer of the greyhounds Unnamed (VKBVW) and Unnamed (VKBVT).

3. You have, in relation to greyhound racing, done something or omitted to do something which, in the opinion of the stewards is dishonest, in that;
  - (a) On 6 December 2022, you attended the Meadows Greyhound Racetrack with the greyhounds Unnamed (VKBVW) and Unnamed (VKBVT) for the purpose of a GAP (Greyhound Adoption Program) assessment;
  - (b) Due to the behaviour of the greyhounds during the assessment, GAP assessors believed that both greyhounds had been sedated;
  - (c) On the 7 December 2022, swab samples were taken from the two greyhounds, which, upon analysis, were both found to contain the substance Acepromazine and its metabolite 2-(1-Hydroxyethyl) Promazine Sulphoxide;
  - (d) You did not advise the GAP assessors that these greyhounds had been administered a sedative prior to their assessments on 6 December 2023.

**Charge No. 2 of 4**

Greyhounds Australasia Rule **165 (a)** reads as follows:

*An offence is committed if a person (including an official):*

- (a) 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 the Charge being:**

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (**GRV**) (Member No. 19819) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. At all relevant times you were the owner and trainer of the greyhounds Unnamed (VKBVW) and Unnamed (VKBVT).
3. You have engaged in conduct which is detrimental or prejudicial to the interest, welfare, image, control or promotion of greyhound racing, in that;

- (a) On 6 December 2022, you attended the Meadows Greyhound Racetrack with the greyhounds Unnamed (VKBVW) and Unnamed (VKBVT) for the purpose of a GAP (Greyhound Adoption Program) assessment;
- (b) Due to the behaviour of the greyhounds during the assessment, GAP assessors believed that both greyhounds had been sedated;
- (c) On the 7 December 2022, swab samples were taken from the two greyhounds, which, upon analysis, were both found to contain the substance Acepromazine and its metabolite 2-(1-Hydroxyethyl) Promazine Sulphoxide;
- (d) You did not advise the GAP assessors that these greyhounds had been administered a sedative prior to their assessments on 6 December 2023;
- (e) Having the accuracy of the GAP assessment affected in this manner adds significant risk to;
  - GAP staff
  - GAP helper dogs
  - Foster carers and their other pets
  - New adoptive owners and their other pets
  - The community (animals and people) in general
  - GAP's/GRV's brand/reputation

**Charge No. 3 of 4**

Greyhounds Australasia Rule 164 (a) reads as follows:

*An offence is committed if a person (including an official):*

*(a) makes a false or misleading statement in relation to or during an investigation, inspection, examination, test or inquiry (or at any other disciplinary process, hearing or appeal proceeding) or makes or causes to be made a falsification in a document in connection with greyhound racing or the registration of a greyhound;*

**Particulars of the Charge being:**

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (**GRV**) (Member No. 19819) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules;

2. On 19 December 2022, Investigative Stewards attended at your property at 7 Chevron Avenue, Cranbourne South 3977 for the purpose of a kennel inspection. An Inquiry was also opened regarding you presenting two (2) greyhounds for a GAP (Greyhound Adoption Program) assessment on 6 December 2022 at the Meadows and the greyhounds being under the influence of a sedative;
3. On 30 December 2022, Greyhound Racing Victoria received confirmation that the urine samples taken from, Unnamed (VKBVW) and Unnamed (VKBVT) on 7 December 2022 tested positive for a prohibited substance of Acepromazine and its metabolite 2-(1-Hydroxyethyl) Promazine Sulphoxide;
4. On 1 March 2023, you attended at the Cranbourne Greyhound Racetrack for the purpose of opening a further Inquiry in relation to presenting greyhounds for a GAP assessment under the influence of a prohibited substance being Acepromazine and its metabolite 2-(1-Hydroxyethyl) Promazine Sulphoxide;
5. You provided false and misleading information about how your greyhounds were administered with the prohibited substance of Acepromazine and its metabolite 2-(1-Hydroxyethyl) Promazine Sulphoxide, by stating the following when questioned by GRV investigators;
  - (a) "Have never had it on the property".
  - (b) "It could have been in the meat. That's all I can say".
  - (c) "I've never used it, never would use it".
  - (d) "I said I did not give them anything".
  - (e) "I swear to God. Whatever happened that day I don't know".

**Charge No. 4 of 4**

Greyhounds Australasia Rule 156 (i) which reads as follows:

*An offence is committed if a person (including an official):*

- (i) *prevents, attempts to prevent, interferes with or attempts to interfere with the carrying out of any identification, examination, test, necropsy, analysis, inquiry, investigation or inspection (including a kennel inspection) pursuant to the rules. For the purpose of this subrule:*
  - i. *A test includes, but is not limited to, the collection of a sample; and*

- ii. *Removing, or allowing to be removed, hair from a majority of a greyhound, or any part of the tail of a greyhound, and preventing the collection of a sample will amount to a breach of this rule unless a person has obtained the permission of the Stewards.*

**Particulars of the Charge being:**

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (**GRV**) (Member No. 19819) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. At all relevant times you were the owner and trainer of the greyhounds Unnamed (VKBVW) and Unnamed (VKBVT).
3. You have attempted to interfere with the carrying out of an examination or test pursuant to the rules, in that;
  - (a) On 6 December 2022, you attended the Meadows Greyhound Racetrack with the greyhounds Unnamed (VKBVW) and Unnamed (VKBVT) for the purpose of a GAP (Greyhound Adoption Program) assessment;
  - (b) Due to the behaviour of the greyhounds during the assessment, GAP assessors believed that both greyhounds had been sedated;
  - (c) On the 7 December 2022, swab samples were taken from the two greyhounds, which, upon analysis, were both found to contain the substance Acepromazine and its metabolite 2-(1-Hydroxyethyl) Promazine Sulphoxide;
  - (d) You did not advise the GAP assessors that these greyhounds had been administered a sedative prior to their assessments on 6 December 2023;
  - (e) The administration of the sedative to the greyhounds was intended to affect their behaviour during the GAP assessment.

**Pleas:** Not Guilty to all charges

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## DECISION

Mr Stavros Kipirtidis has been charged with four offences and is pleading “Not Guilty” to each. At the hearing, he was assisted and represented by Mr Gavin Ithier, who, whilst not legally qualified, knows him quite well and is aware of the problems that he has with the English language. We thank Mr Ithier for that assistance. Mr Willem Drent of counsel represented the Stewards. We also thank him for his careful and helpful presentation of the Stewards’ case.

Mr Kipirtidis is facing four Charges. There is quite considerable overlapping of the four.

Charge 1 is pursuant to Greyhounds Australasia Rule (“GAR”) 156(f)(i). It could be summarised as prohibiting behaviour that is corrupt, fraudulent or dishonest. The Charge itself alleges that, on 6 December 2022, Mr Kipirtidis attended the Meadows Racetrack with two unnamed greyhounds of which he was the owner and trainer. The purpose of this visit was for assessment of the dogs for the purpose of the Greyhound Adoption Program (“GAP”).

It is asserted that the behaviour of the dogs during the assessment was such that the assessors formed the belief that both dogs had been sedated. Accordingly, they were not accepted on that day. On 7 December 2022, swab samples were taken from the two dogs. Each swab was positive to the sedative Acepromazine (“Ace”) and its metabolite. It is alleged that Mr Kipirtidis had not told the assessors on 6 December 2022 that a sedative had been administered to the dogs prior to the assessment.

Charge 2 is pursuant to GAR 165(a). It basically prohibits conduct detrimental to the interests and welfare of greyhound racing. Reliance is placed upon the same basic facts.

Charge 3 is pursuant to GAR 164(a). It concerns false or misleading statements. In particular, it concerns answers given by Mr Kipirtidis to questions asked during a Stewards’ Inquiry on 1 March 2023. These were to the effect that he had never used the relevant prohibited substance or had it on his property. All that he could say was that it could have been in the meat.

Charge 4 is pursuant to GAR 156(i). In short, this concerns interference with tests and the like. It involves essentially the same factual matters alleged in relation to the carrying out of the test on 6 December 2022.

Apart from documentary material, the only evidence put before us by the Stewards was that of Dr Gavin Goble, who is the General Manager of Greyhound Welfare and Rehoming at GRV and an experienced veterinarian. He had seen a video of the dogs when they presented at the Meadows on 6 December 2022, that video being a 16 second clip. He had also personally seen the greyhounds on the following day, 7 December 2022.

The conclusion of Dr Goble in relation to the video material was that what was shown was “not quite right”. The dogs appeared to have been sedated and he suspected the use of ACE. The presence of ACE had later been confirmed by a laboratory test. It is frequently used for sedation prior to the administration of an anaesthetic and sometimes for travel sickness. It is only available on prescription.

Mr Kipirtidis asserted that he had purchased a 20 kilogram bag of knackery meat from Backmans and fed it to the dogs. Dr Goble expressed the opinion that it was unlikely that the source of the ACE was knackery meat.

Dr Goble also stated that the normal way of administering ACE would be to give it to a dog on an empty stomach.

In this particular case, the dogs had been sent home again with Mr Kipirtidis.

He also gave evidence that this is the first time that this drug was detected in a racing greyhound. He stated that, when he actually saw the dogs the following day (7 December), they looked like “normal dogs”. This testing seems to have been carried out at the property of Mr Kipirtidis.

Ultimately both dogs were accepted into the GAP scheme and forwarded to its headquarters in Seymour. Both ultimately failed a test essentially related to predatory behaviour.

Mr Kipirtidis has at all times, including before us, essentially blamed the meat and has denied giving any other relevant substance to the dogs. Before us, he emphasised his affection for his dogs and had been completely confident that they would pass the GAP test. Apparently he had previously supplied a dog or dogs to the GAP programme without there being any problem. Apart from the possibility of the positive reading arising from the meat, there was no other cause which he could isolate. He also relied upon his many years in the industry and his allegedly very good reputation.

Our conclusion is that we cannot be comfortably satisfied that Charge 1 has been proven. We would refer to the test in *Briginshaw*. We accept that the dogs had in their system ACE. We accept that their presentation on 6 December 2022 was considered to be, and was, abnormal.

However, we do not consider this to be a situation of strict liability and, if that be contentious and a question of law, the Chairman so rules. As stated in GAR 156(f)(i), what is required to be proved is that the behaviour in question involves the doing of something which is corrupt, fraudulent or dishonest. It is not, for example, a situation akin to a positive swab associated with a race.

In our opinion, the cause of the positive swab or the behaviour of the dogs on 6 December 2022 remains unknown. That it originated from the “knackery meat” remains possible, but seems unlikely.

However, we are not comfortably satisfied that the cause of any unusual behaviour or presentation on the part of the dogs arises from any corrupt, fraudulent or dishonest behaviour on the part of Mr Kipirtidis.

Essentially, we accept him as a witness of truth.

If Charge 1 falls away, the question then becomes whether Charges 2, 3 and 4 do likewise.

Beginning with Charge 2, the detrimental or prejudicial conduct as specified in GAR 165(a) seems to us to involve similar matters to the Particulars of the Charge essentially involving the same factual allegations as Charge 1.

Charge 3, the making of false or misleading statements, involves similar facts. The false or misleading statements relied upon are essentially that, at an investigation on 1 March 2023, Mr Kipirtidis made statements asserting that he had never used Ace or its metabolites and believed that the prohibited substance could have been in the meat. We do not accept that this was a wilfully false or misleading statement. It was a statement of his belief and an assertion that he had never used Ace or had it on his property.

In short, we do not accept that it has been proven that these were statements that were wilfully false or misleading.

Charge 4 is pursuant to GAR 156(i) and similarly fails. Essentially the basis of the Charge is that Mr Kipirtidis did not advise the GAP assessors on 6 December 2022 that he had administered a sedative to the dogs. Again, this links into Charge 1.

In any event, we are not comfortably satisfied that he did so administer a sedative. Accordingly, Charge 4 also fails.

The end result is that the Charges are dismissed.

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Mark Howard  
Registrar, Victorian Racing Tribunal