

***Harness***  
**Racing Appeals & Disciplinary Board**

# Racing Appeals & Disciplinary Board

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12 July 2018

## **HRV RAD Board Hearing – Graeme Mengler**

On 6 July 2018, the Harness Racing Victoria (HRV) Racing Appeals and Disciplinary (RAD) Board considered three charges issued against licensed person Graeme Mengler under Australian Harness Racing Rules (AHRR) 190(1) and 190B.

Charges 1 & 2 – AHRR 190(1) reads as follows:

*A horse shall be presented for a race free of prohibited substances*

The particulars of the first charge related to a post-race urine sample collected from the horse 'Heza Reddy' at Mildura on 28 November 2017. 'Heza Reddy' finished first in Race 3, the 'Zilzie Wines Pace'. Racing Analytical Services Limited (RASL) reported that analysis of the urine sample revealed the sample to contain a prohibited substance, namely cobalt, above the allowable threshold of 100 micrograms per litre (µg/L). The reserve sample analysis by the Racing Science Centre (Qld) confirmed the result.

The particulars of the second charge related to a post-race urine sample collected from the horse 'Heza Reddy' at Mildura on 28 December 2017. 'Heza Reddy' finished first in Race 1, the 'DNR Logistics Pace (1<sup>st</sup> Heat)'. RASL reported that analysis of the urine sample revealed the sample to contain a prohibited substance, namely cobalt, above the allowable threshold of 100 micrograms per litre (µg/L). The reserve sample analysis by the Racing Science Centre confirmed the result.

Charge 2 - AHRR 190B(1) reads as follows:

*A trainer shall at all times keep and maintain a log book*

The particulars of this charge related to Mr Mengler's failure to keep and maintain a log book as required.

Mr Mengler pleaded guilty to all charges before submissions on penalty were put forward by the HRV Stewards and Mr Mengler.

## **Penalty**

In determining penalty, the HRV RAD Board considered Mr Mengler's guilty pleas, good record, the impact of any penalty on Mr Mengler, specific and general deterrence, the purpose of the prohibited substance rules and consistency of penalties in relation to cobalt cases.

Taking all of these matters into account, the HRV RAD Board imposed the following penalties:

Charge 1 – 12 month suspension of all licenses

Charge 2 – 12 month suspension of all licenses

Charge 3 – \$250 fine

The Board ordered that 6 months of each suspension be served concurrently, meaning that the period of suspension to be served is 18 months.

The HRV RAD Board ordered (under AHRR 195) that 'Heza Reddy' be disqualified from Race 3 at Mildura on 28 November 2017 and that the placings be amended accordingly. The HRV RAD Board also ordered that 'Heza Reddy' be disqualified from Race 1 at Mildura on 28 December 2017 and that the placings be amended accordingly. Given that this race was a qualifying heat, the HRV RAD Board also ordered the disqualification of 'Heza Reddy' from its 1<sup>st</sup> placing in the relevant final, Race 1 at Mildura on 4 January 2018 and that the placings be amended accordingly. The HRV RAD Board made a further order that any relevant prizemoney be refunded.

*HRV RAD Board Panel: Alanna Duffy (Chair), Dr Hugh Millar & John Kearney*