

Racing Appeals & Disciplinary Board

18 July 2019

HRV RAD Board Hearing – Helen Moustos

On 16 July 2019, the Harness Racing Victoria (HRV) Racing Appeals and Disciplinary (RAD) Board considered three charges issued against licensed trainer Helen Moustos 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 pre-race urine sample collected from the horse 'Blue Beach Angel' at Mildura on 24 August 2018 before 'Blue Beach Angel' won Race 3, the 'Mildura Working Man's Club Pace (2nd Heat)'. Racing Analytical Services Limited (RASL) reported that the urine sample contained cobalt, a prohibited substance when present above the threshold of 100 micrograms per litre (µg/L). The reserve sample analysis by the Racing Science Centre confirmed the result.

The particulars of the second charge related to a pre-race urine sample collected from the horse 'Promise At Dawn' at Mildura on 24 August 2018 before 'Promise At Dawn' finished third in Race 4, the 'Tankard Dental Pace (1st Heat)'. Racing Analytical Services Limited (RASL) reported that the urine sample contained cobalt, a prohibited substance when present above the threshold of 100 micrograms per litre (µg/L). The reserve sample analysis by the Racing Science Centre confirmed the result.

Charge 3 - 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 the failure of Ms Moustos to keep and maintain a log book as required by this rule.

Ms Moustos pleaded guilty to all charges before submissions on penalty were put forward by the HRV Stewards and Nick Tardio, on behalf of Ms Moustos.

The HRV RAD Board also considered the statements of Investigative Steward Neal Conder, RASL Scientific Manager Mr Paul Zahra and Veterinary Pharmacologist Professor Paul Mills.

Penalty

In determining penalty, the HRV RAD Board considered Ms Moustos' guilty pleas and her personal circumstances, specific and general deterrence, the purpose of the prohibited substance rules, consistency of penalties in relation to cobalt cases, the importance of upholding the integrity of harness racing, that racing should take place on a level playing field, that horses should race free of prohibited substances, that the safety of drivers and horses should be protected and that racing is conducted fairly in accordance with the expectations of the betting public.

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

Charge 1 – 12 month suspension

Charge 2 – 12 month suspension

Charge 3 – \$250 fine

The Board ordered that 6 months of the penalty imposed for Charge 2 be served concurrently with the penalty for Charge 1, meaning the total period of suspension to be served is 18 months. The suspension was determined to commence at midnight on 24 July 2019.

The HRV RAD Board also ordered, under AHRR 195, that 'Blue Beach Angel' and 'Promise At Dawn' be disqualified from their respective races at Mildura on 24 August 2018, that the placings be amended accordingly and that all prizemoney won by the horses be returned to Harness Racing Victoria.

HRV RAD Board Panel: Judge Graeme Hicks (Chair), Robert Abrahams (Deputy Chair)