

Stewards' Report

Stewards' Report – W Xanthopoulos & L Kelly – She's A Youeffoh

Date – 5 November 2018

Panel – I Brown, C Albrecht & G Lane

Queensland Racing Integrity Commission (QRIC) Stewards today concluded an inquiry into the activities of licensed stablehand William Xanthopoulos in the stable complex of licensed trainer Les Kelly on the morning of 3 October 2018 prior to the Gold Coast Turf Club race meeting on that date.

Acting on a report from QRIC Integrity Investigation Team (IIT) officials following a random stable inspection of the stables of Mr Kelly, Stewards opened an inquiry into the suspicious actions of Mr Xanthopoulos in relation to the thoroughbred, he part owned, She's A Youeffoh which was engaged in Race 3 on that date.

After taking initial evidence on the day Stewards were concerned that the actions of Mr Xanthopoulos may have compromised the propriety of the race in question and subsequently declared She's A Youeffoh a late scratching under AR 8 (m).

After taking further evidence today, Stewards issued Mr Xanthopoulos and Mr Kelly with one charge each under the Australian Rules of Racing.

William Xanthopoulos was issued with a charge under AR 175 (k) which reads as follows:

AR.175. The Principal Racing Authority (or the Stewards exercising powers delegated to them) may penalise;

(a) Any person who, in their opinion, has been guilty of any dishonest, corrupt, fraudulent, improper or dishonourable action or practice in connection with racing.

The specifics being that:

William Xanthopoulos advised Queensland Racing Integrity Commission (QRIC) Integrity Investigations Team (IIT) officials on the morning of 3 October 2018 that he did intend administering a substance namely, Gastrazone, to She's A Youeffoh prior to that horse being engaged to race on that same day. The intention to administer that substance on raceday prior to that horse being engaged to race was, in the opinion of the Stewards, an improper action in connection with racing.

Mr Xanthopoulos in pleading not guilty submitted that it was at no stage his intention to administer Gastrazone to She's A Youeffoh without first seeking the permission of Mr Kelly, who was due to arrive at the stables a short time after the IIT officials. Mr Kelly stated that he would never permit a horse to be administered such a substance on a raceday, which Mr Xanthopoulos relied upon to assert that he would never have administered the substance to She's A Youeffoh on that date.

Based on the evidence of the two IIT officials and the initial recording of the stable inspection, Stewards were comfortably satisfied that it was Mr Xanthopoulos' intention to

administer Gastrazone to She's A Youeffoh prior to it racing that day. There was no indication that Mr Xanthopoulos was going to seek the permission of Mr Kelly until after IIT officials advised him that it was against the Rules of Racing to administer a substance to a horse prior to it racing. Mr Xanthopoulos was therefore found guilty of the charge.

Trainer Les Kelly was issued with a charge under AR 175 (a) which reads:

AR.175. The Principal Racing Authority (or the Stewards exercising powers delegated to them) may penalise;

(k) Any person who has committed any breach of the Rules, or whose conduct or negligence has led or could have led to a breach of the Rules.

The specifics being that:

Les Kelly as a licensed trainer failed to adequately ensure the supervision of thoroughbreds under his care were not to be administered medication on a raceday prior to racing, being negligence on his behalf. Such negligence could have reasonably led to licensed stablehand William Xanthopoulos administering medication to She's A Youeffoh on the morning of Wednesday 3 October 2018, the same day on which it was engaged to race at the Gold Coast Turf Club which would have been a breach of the rules, specifically AR178E(1).

Mr Kelly in pleading not guilty submitted that he did not, at any stage, have knowledge of Mr Xanthopoulos' intentions or actions on that day until after the IIT officials had entered his stables. Nor did he direct or request Mr Xanthopoulos to administer the substance on his behalf. Mr Kelly also submitted that it was difficult for him to have complete oversight of his stables at all times.

In considering Mr Kelly's submissions, Stewards were concerned that a stablehand and owner would have such unrestricted access to Mr Kelly's stables and would even consider administering a substance to a horse under his care without his knowledge. Stewards were satisfied that Mr Kelly's stable practices in all the circumstances were unsatisfactory and amounted to negligence which could have easily lead to She's A Youeffoh being administered a substance on raceday, had it not been for the timely attendance of the IIT officials. Furthermore, it is not a satisfactory defence for a trainer, in those circumstances, to simply say they had no knowledge of what was occurring in their stables. Mr Kelly was subsequently found guilty of the charge.

In considering penalty, the Stewards were mindful of the personal circumstances of each individual and their disciplinary history. However, stewards were also mindful of recent penalty precedents and the requirement to ensure each penalty acts as an appropriate deterrent given the negative impact such actions have on the integrity of the racing industry.

Mr Xanthopoulos was disqualified for a period of six months to commence immediately and expire 5 May 2019 and was advised of the impositions of a disqualified person under AR 182.

Mr Kelly was fined the sum of \$5000.

Both individuals were advised of their right to an internal review.