

Non Raceday Inquiry RIU v A R Beck - Decision on a Request for a Ruling dated 13 December 2020 - Chair, Prof G Hall

Rules:

Repondent(s)/Other parties:

Name(s):

Decisions:

BEFORE A JUDICIAL COMMITTEE OF

THE JUDICIAL CONTROL AUTHORITY

UNDER THE RACING ACT 2003

AND IN THE MATTER of the New Zealand Rules of Harness Racing

BETWEEN RACING INTEGRITY UNIT (RIU)

Informant

AND ALLAN ROBERT BECK

Licensed Trainer

Respondent

INFORMATION NO.: A4835

COMMITTEE: Prof G Hall (Chairman)

APPEARING: On the papers

RULING OF JUDICIAL COMMITTEE

[1] The Informant, the RIU, seek a Ruling under r 1004D(2) of the New Zealand Rules of Harness Racing disqualifying the horse BLACK OPS from race 7 at the Invercargill HRC meeting at Invercargill on 25 November 2020. The horse has tested positive for Cobalt.

[2] Rule 1004A(2) states: *A horse shall be presented for a race free of prohibited substances.*

[3] Rule 1004A(6) provides: *A breach of sub-rule (2) ... is committed regardless of the circumstances in which the prohibited substance came to be present in or on the horse.*

[4] Rule 1004D(2) states: *Any horse connected with a breach of the rule (r 1004A) must be disqualified from the race and may in addition be disqualified for a period not exceeding 5 years.*

[5] The Prohibited Substances Regulation 4 states: *The following substances are not prohibited when present at or below the following thresholds: 4.11 Cobalt at a concentration at or below 100 micrograms per litre in urine.*

[6] BLACK OPS is a 7-year-old bay gelding owned by the Setarip Syndicate and trained by Mr Beck at Winton. As at 26 November 2020, BLACK OPS had had 44 race starts for 5 wins and 15 placings, winning a total of \$24,875 in stakes money.

[7] BLACK OPS was correctly entered and presented by Mr Beck to race in Race 7, the PASTOR STEPHEN MOBILE PACE at the Invercargill HRC meeting on 25 November 2020. BLACK OPS won the race, winning a stake of \$4,675. This stake has not yet been paid out.

[8] BLACK OPS was post-race swabbed and a urine sample was taken after it entered the swab box at 6.17 pm. The sample was recorded with the swab card number 146956.

[9] On the 7 December 2020 Eurofins ELS Limited laboratory in Wellington supplied an Analytical Report result which showed that the Urine Sample number 146956 had returned a Cobalt result of 290 micrograms per litre (mg/L) of urine on 25 November 2020.

[10] This result is a breach of the Prohibited Substance Regulations as contained in para 4.11 of the New Zealand Rules of Harness Racing 2019 which specifies that Cobalt is only permitted when present at a concentration at or below 100 micrograms per litre.

[11] On 9 December 2020 RIU Investigators visited the training stables of Mr Beck. He was advised of the positive swab result and given a copy of RIU Sample Identity Card 146956, along with a copy of the ESL laboratory results report.

[12] Mr Beck has agreed to the disqualification of BLACK OPS by signing the Information seeking a Ruling on 9 December 2020.

[13] The Committee rules pursuant to r 1004D(2) that BLACK OPS is disqualified from race 7 at the Invercargill HRC meeting on 25 November 2020.

[14] Amended placings are:

1st - 1 LOCK IT IN EDDIE

2nd - 4 LA LA LAND

3rd - 7 RACING MINISTER

4th - 6 HAMPTON

5th - 9 JIMMY CANNON

[15] Stakes are to be paid accordingly.

Dated at Dunedin this 13th day of December 2020

Geoff Hall, Chairman

Penalty: