

Non Raceday Inquiry RIU v K D Townley - Reserved Decision dated 30 April 2018 - Chair Mr S C Ching

Rules:

Repondent(s)/Other parties:

Name(s):

Decisions:

BEFORE A JUDICIAL COMMITTEE

IN THE MATTER of the New Zealand Rules of Harness Racing

IN THE MATTER of Information No. A7221

BETWEEN KYLIE ROCHELLE WILLIAMS, Racing Investigator for the Racing Integrity Unit

Informant

AND KEVIN DAVID TOWNLEY of Christchurch, Licensed Public Trainer and Open Driver

Respondent

Date of Hearing: 28 April 2018

Venue: Ashburton Racecourse, Ashburton

Judicial Committee: Mr SC Ching (Chairman)

Mr GJ Clapp (Committee Member)

Present: Mrs KR Williams, the Informant

Mr KD Townley, the Respondent

Mr R Quirk, Stipendiary Steward (Registrar)

Date of Decision: 30 April 2018

RESERVED DECISION OF JUDICIAL COMMITTEE

The Charge

[1] Information No. A7221 alleges that:

On the 2nd March 2018, Kevin David TOWNLEY, being the registered trainer of the standardbred GEENA'S GIRL presented the horse to race in Race 8, the PAM & IVAN LAWSON HANDICAP TROT, at the New Zealand Metropolitan Trotting Club's meeting with a prohibited substance, namely Ketoprofen, in its system. This is in breach of the Prohibited Substance Rule, Rule 1004(1A) (3)(4).

The Rules

[2] Rule 1004 of the Rules of Harness Racing provides as follows:

(1) A horse shall be presented for a race free of prohibited substances.

(2) Where a horse is taken, or is to be taken, to a racecourse for the purpose of engaging in a race otherwise than in accordance with sub-rule (1) the trainer of the horse commits a breach of these Rules.

(4) A breach of these Rules under sub-rule (2) or sub-rule (3) is committed regardless of the circumstances in which the prohibited substance came to be present in or on the horse.

[3] Mrs Williams presented a letter signed by Mr MR Godber, General Manager of the RIU, pursuant to Rule 1108(2) authorising the filing of the information.

The Plea

[4] Mr Townley had signed the Statement by the Respondent at the foot of the information form indicating that he admitted the breach of the Rule. He confirmed this at the hearing.

Summary of Facts

[5] (1) *GEENA'S GIRL* is a 4-year-old Brown mare and is trained by Mr Kevin David TOWNLEY. *GEENA'S GIRL* is owned by Mr Townley's wife, Mrs M E Townley, Mrs K J Thomas, R N Campbell and G C Rugg. *GEENA'S GIRL* has raced 20 times for 2 wins and lifetime stakes of \$17,237 as at 20 April 2018.

(2) *GEENA'S GIRL* was correctly entered and presented to race by trainer Mr Kevin Townley at the New Zealand Metropolitan Trotting Club meeting on 2 March 2018.

GEENA'S GIRL was driven in Race 8, the IVAN LAWSON HANDICAP TROT by Ms S Ottley, winning the race and a stake of \$5,300. This stake has not been paid out.

(3) Following the race, the Stipendiary Stewards ordered that *GEENA'S GIRL* be post-race swabbed. *GEENA'S GIRL* entered the swab box at 9.19pm and Swabbing Steward Mr G Johnston obtained a urine sample from the mare at 9.22pm. The race was programmed to start at 9.00pm. The urine sample was taken in the presence of stable representative Mr K Stevens. The urine samples were recorded with the Sample number 133764. Mr Stevens and Mr Townley do not contest the taking of the sample.

(4) On the 14th March 2018 the New Zealand Racing Laboratory reported **Ketoprofen** was detected in Sample Number 133764. The Control Sample was clear.

(5) On the 16th of March 2018 Racecourse Investigators Mrs K R Williams and Mr PR Lamb went to the training establishment of Mr Townley, 59 Russley Road, Christchurch, and advised him of the positive swab returned by *GEENA'S GIRL*.

(6) Mr Townley was given a copy of the Certificate of Analysis, Copy of the Swab Card, RIU Swabbing Record Book and Race Results.

(7) Mr Townley advised that he took *GEENA'S GIRL* to the races in his own float and that the mare was one of two horses he had racing that night.

(8) Mr Townley could not initially offer an explanation for the presence of Ketoprofen in the urine sample taken from *GEENA'S GIRL* and could not advise when the mare was last treated with Ketoprofen.

(9) Mr Townley keeps a diary in which he enters treatments. There were no treatments recorded for Ketoprofen or E-SE for *GEENA'S GIRL*, but she was treated with Alamycin on 28 February 2018. Mr Townley does not record all treatments of E-SE as this does not have a withholding time.

(10) Mr Townley now keeps his medication in a safe since his previous positive swab with *WELL DEFINED* on 3 February 2018. One bottle of Key Injection and two bottles of E-SE were in the safe.

(11) The bottle of "Key Injection" which contains Ketoprofen was in the safe which noted a 4 day withhold on the box and this was also written on the bottle by the administering Veterinarian. It was written by the Veterinarian on the bottle to use 10ml I/V (intravenously). On the box it states 10ml per 450kg bw (body weight). The bottle was one of two supplied on 26 July 2017.

(12) Mr Townley advised that he sometimes treats the horses one/two days out from racing with E-SE.

(13) Mr Townley advised that he has previously given horses a mixture of Ketoprofen and E-SE at least 4.2 days out from racing with the products being drawn up into the same syringe. Mr Townley advised that he generally draws up the E-SE first and then the Ketoprofen but he believes that he may have drawn them up the other way around thus contaminating the bottle of E-SE.

(14) The bottle of Key Injection and the two bottles of E-SE Injection were sent to the New Zealand Racing Laboratory for testing.

(15) Mr Townley advised that *GEENA'S GIRL* had never had any lameness issues, but he makes a point of going over his horses once they have worked and checks for any muscle soreness or any signs of tying up for which Mr Townley then administers Ketoprofen if needed outside the withholding time.

(16) Mr Townley is well aware of the 4.2 day withholding time for Ketoprofen and is particular to adhere to any withholding time of any drug.

(17) Mr Townley when administering Ketoprofen always administers 10ml as directed by the Veterinarian.

(18) The New Zealand Racing Laboratory advised on 3 April 2018 the results of the three bottles taken from Mr Townley's safe. The Key Injection bottle contained Ketoprofen with the concentration as stated on the label. One of the E-SE Injection bottles had broken in transportation so could not be tested. Ketoprofen was not detected in the second bottle of E-SE.

(19) Mr Townley has had five horses swabbed since the first positive swab with *WELL DEFINED* on 3 February 2018.

Swabs: - *WELL DEFINED* - 3 February 2018 - positive

- *RUNNING FREE* - 23 February 2018 - clear

- *GEENA'S GIRL* - 2 March 2018 - positive

- *NURBURGRING* - 9 March 2018 - clear
- *ETHEREAL* - 16 March 2018 - clear (pre-race)
- *RUNNING FREE* - 16 March 2018 - clear (pre-race)

Mr Townley advised that those that have returned positive swabs were given E-SE while those that were clear were not given E-SE. The 16th of March was the day that Mr Townley was advised of the positive swab returned by *GEENA'S GIRL*.

(20) Mr Townley has been training since 1986/87 initially in partnership with D J Townley and then on his own from 1994/95. Mr Townley has trained over 460 winners.

(21) Mr Townley was charged with a breach of the prohibited substance rule in Australia in 2003 for Clenbuterol and was fined \$2,000 with a three-month suspension, suspended for 12 months.

(22) Mr Townley admitted a breach of presenting *WELL DEFINED* with Ketoprofen in its system on 3 February 2018 and was fined \$7,000.

Submissions of Informant on Penalty

[6] (1) Mr Townley has pleaded guilty to a breach of Rules 1004(1A) (3)(4) after presenting *GEENA'S GIRL* at the races with a prohibited substance in its system, namely Ketoprofen, at the New Zealand Metropolitan TC meeting on the 2nd March 2018.

(2) The penalty provisions that apply in this case are outlined in Rule 1004(7).

1004(7) Every person who commits a breach of sub-rule (2) or (3) shall be liable to:

(a) a fine not exceeding \$20,000; and/or

(b) be disqualified or suspended from holding or obtaining a licence for any specific period not exceeding five years.

(3) The rules also require the mandatory disqualification of the horse: Rule 1004(8) states:

1004(8) Any horse connected with a breach of sub-rule (1), (2), or (3) shall be disqualified from any race entered and/or liable to a period of disqualification not exceeding five years.

1004D Any horse which has been taken to a racecourse for the purpose of engaging in a race which is found to have administered to it or ingested by it any prohibited substance shall be disqualified from that race.

(4) Sentencing Principles -

The four principles of sentencing can be summarised briefly

- Penalties are designed to punish the offender for his / her wrongdoing. They are not retributive in the sense that the punishment is disproportionate to the offence but the offender must be met with a punishment.
- In a racing context it is extremely important that a penalty has the effect of deterring others from committing like offences.
- A penalty should also reflect the disapproval of the J.C.A for the type of behaviour in question.
- The need to rehabilitate the offender should be taken into account.

The first three principles are particularly important here.

(5) Relevant Precedents –

In addition to the sentencing principles the Judicial Committee should have regard to relevant precedence.

R.I.U. v C & A Edmonds – 31 March 2016

Subject: Ketoprofen positive with two horses – fined \$9,000. Extract from Edmonds' decision: "*The Committee finds that it was negligent on the part of the Respondents to leave their medication cabinet unlocked and this is an aggravating factor.*"

NZTR v A Scott – 22 November 2010

Subject: Ketoprofen positive with a thoroughbred – fined \$6,000, costs \$750 NZTR, \$600 JCA.

NZTR v K & L Rae – 28 May 2009

Subject: Ketoprofen positive with a thoroughbred – fined \$4,000, costs \$3,000 NZTR, \$500 JCA.

NZTR v AW Pike & M Donoghue – 22 August 2008

Subject: Ketoprofen positive with a thoroughbred – fined \$6,000.

R.I.U v KD Townley - 12 March 2018

Subject: Ketoprofen positive with a standardbred - fined \$7,000.

R.I.U. v JM Whittaker – 17 August 2015

Subject: Caffeine positive with a horse – fined \$1,000, costs \$1,800. Extract from Whittaker decision: “*RIU v L J Justice (2011) where that Committee stated penalties will be imposed for breaches of the rule which will recognise, reinforce and give effect to the pivotal significance of the rule in maintaining the integrity of racing, whether or not culpable conduct is involved. Naturally where culpable conduct is involved, penalties imposed will normally be greater than in cases where such conduct is absent, but we think it is wrong and contrary to the intent and purpose of the rule to assume the absence of culpable conduct should attract no, or only a token penalty.*”

R.I.U. v PM Williamson – 10 December 2012

Subject: Procaine positive with a horse – fined \$3,500, costs \$350 to JCA. The source of the positive swab was not identified. “*Against those factors is the ever-present need to maintain the integrity of and public confidence in harness racing by adequately punishing the breach and deterring Mr Williamson and others from offending in a similar manner in the future.*”

The EVA withholding time of 4.2 days is only a guideline.

Veterinary Council of New Zealand v Dr P Casey - 8 July 2013

“In October 2011, a revised list entitled “NZEVA Prohibited Substance Recommended Withholding Times” was issued. Amongst other cautionary statements, it stated: “*The information in this list is predominantly derived from NZ practitioner experience and not necessarily from scientific studies with adequate numbers of animals. This guideline includes a buffer time to allow for individual variation between horses’ drug excretion times.*”

The list does not however, account absolutely for the possibility that an individual horse may have a delayed elimination period for a substance because of the slow metabolism of that animal, delayed hepatic conjugational renal clearance, the interaction of more than one treatment use concurrently, the “stepping” of multiply (sic) treatments over days accumulating to high body levels, or the normal statistical variations seen in individuals.... adherence by veterinarians to the administration guidelines in the NZEVA Prohibited Substance Recommended Withholding List will ensure that their obligations under the NZEVA Professional Code of Conduct are being met.”

Aggravating Features

[7] Mr Townley cannot categorically confirm how the Ketoprofen came to be in the horse's system on race day but believes that a bottle of E-SE may have been contaminated after giving a horse both Ketoprofen and E-SE that was drawn up into the same syringe. Mr Townley believes that after drawing up the Ketoprofen and then drawing up the E-SE some of the Ketoprofen has been forced into the bottle of E-SE. The amount forced into the bottle would need to be significant to cause a future positive, especially for it to be over the regulatory limit of 100 micrograms per litre. This is unlikely as a half amount of Ketoprofen (5ml) would need to be administered for it still to be in its system on race day two days later or 2.5ml if given one day out. Any ketoprofen would also be diluted by the E-SE that was still in the bottle. The Racing Laboratory reported no presence of Ketoprofen in the bottle of E-SE that was tested with the other bottle being unable to be tested.

The same bottle that was previously found on the property after Mr Townley's positive with GEENA's GIRL was still present and Mr Townley continued to treat horses without seeking Veterinary advice. This bottle was not purchased for a specific horse but was to be used on any horse in the stable that showed signs of muscle soreness or tie up. Again, at Mr Townley's discretion.

Trainers run the risk of errors and must bear the consequence if they elect to mix and/or self-administer drugs without the continued guidance of a Veterinarian. The bottles of Key Injection were purchased in July 2017, several months earlier. Mr Townley cannot confirm what day he may have treated or when *GEENA'S GIRL* was last treated with Ketoprofen or E-SE as there is no note in his diary. Mr Townley keeps a diary but admits that he does not always record treatments.

Mr Townley previously admitted a breach of the rule only a month earlier with the same drug and the only change he has implemented since then was to put the drugs in a safe. Mr Townley has not improved his recording of any administration as there is no record of *GEENA'S GIRL* being treated with Ketoprofen or E-SE.

Mr Townley was charged with a breach in 2003 for Clenbuterol in Australia.

Mitigating Factors

[8] Mr Townley admits full liability as the trainer and admitted the breach at the first opportunity and has cooperated fully throughout the investigation.

Mr Townley has been training for over 30 years and has trained over 460 winners.

Conclusion

[9] The Racing Integrity Unit seeks a monetary penalty of a fine of \$12,000. The reason for this figure is that the JCA guidelines, 1st May 2015, have a starting point of \$8,000 for a first offence of presenting a horse with a drug in its system. This is Mr Townley's second offence within a month.

Mr Townley has to be given credit for the manner in which he has conducted himself during this enquiry and admitting the breach at the first opportunity however the onus is on trainers at all times to ensure that a horse in their care and control is completely drug free when presented at the races.

We also seek the disqualification of *GEENA'S GIRL* under Rule 1004(8).

The RIU are not seeking to recover any costs in this matter.

Respondent's Submissions

Mr Townley presented the following written submissions;

[10] This is a devastating turn of events and to explain it I must return to my previous case in February as the two are intertwined.

In the case of Well Defined I was shocked and bewildered as I had no memory of giving him Ketapofen. I also consulted my diary and there was also no record of it.

I "could not offer an explanation for the presence of Ketapofen in the urine sample taken from Well Defined and could not advise when the gelding was last treated with Ketapofen".

Shock and circumstances at the time forced me to say, *"I must have given it to Well Defined, but I am very sure I did not administer it to him inside the guidelines as I am extremely aware and careful when I have horses racing"*. I said this as there appeared to be no other explanation.

10 days after receiving this news I lined up Geena's Girl and ended up here again. I did not treat Geena's Girl with Ketapofen and had no entry in my diary.

Who in their right mind would do this after what had just happened and of course knowing we would be swabbed if winning.

There is not a shadow of doubt in my mind now as to what has happened.

I did not knowingly give Well Defined or Geena's Girl Ketapofen at all and my diary was correct in both cases.

The cause can only be this: I quite often give my horse injectable vitamin E + selenium known as E-SE. On odd occasions I may get a horse show signs of muscle tie-up and if NOT RACING I will mix ESE and Ketapofen in one syringe and treat them. I have done this for decades with no problems, but I must always be careful to take the E-SE first, then the Ketapofen, so as not to contaminate the E-SE. Doing this the reverse way has to be the cause of these two positive swabs with Well Defined getting E-SE about 28hrs before racing and Geena's Girl I believe about 36hrs.

I am guilty of making ONE mistake, genuine human error, causing BOTH of these cases.

As we did not realise at the time that this was the cause of Well Defined being positive, I have innocently done the same thing again.

During this time, I had several negative swabs with horses I did not give E-SE.

I was gutted when a bottle taken by the RIU for testing was broken and my proof gone.

I use very little Ketapofen. Mrs Williams has established that I bought 2 bottles in July 2017 and in 9 months since I have used about 1.5 bottles. 15 doses, which equates to 1 dose per horse in my team over 9 months.

I have never given it to a horse less than 4.2 day from a race.

It is normally only used on horses not racing.

I have been licensed and training for 52 years to reach this low point and sincerely hope you can see this as the result of 1 mistake I have made and have already paid a hefty price for.

Respondents submissions on Penalty

[11] Mr Townley said he took issue with the aggravating features stated in the Penalty submissions as presented by Mrs Williams, which stated that Mr Townley could "not categorically confirm how the Ketapofen came to be in the horse's system on race day". Mr Townley stated that he now has no doubt at all how the Ketapofen came to be in the horse's system. He said there were two things that could prove his point, firstly, the used bottle of E-SE that went away to be tested, as his luck would go, was broken and there was no way to know whether the used bottle of E-SE was contaminated with Ketapofen as he submitted. The only other way he could get proof was to ask his vet if he could do a blind test on a horse, to which the vets reply was that the RIU would not let him use the lab for testing. Mr Townley stated that the two things that could have proved his explanation were taken away. He said the only way that *GEENA'S GIRL* had Ketapofen in her system on race-day was the cross contamination of the 2 bottles where he mistakenly drew the

Ketaprofen first, then whilst drawing the E-SE, Ketaprofen contaminated the bottle of E-SE. He said he would normally draw the ESE first and top off the syringe with the Ketaprofen but was certain he had mistakenly reversed this procedure leading to the contamination of the E-SE bottle. He said both WELL DEFINED and GEENA'S GIRL were treated the day before the races with ESE out of the same bottle which he said was contaminated and caused both positive swabs.

Mr Townley also took issue with the statement in the Summary of Facts where the RIU stated that such a small amount of Ketaprofen from a contamination would not return a positive reading of 157micrograms per litre, 100 micrograms per litre being the regulatory threshold limit. He submitted a drop could cause a positive.

In answer to a question from Mr Townley, Mrs Williams stated that in order for enough Ketaprofen to show above the threshold of 100 micrograms per litre, the amount forced into the bottle by cross contamination would have to be significant. She reiterated, as stated in Penalty submissions, that with a 4.2 day withholding time for Ketaprofen, with a standard dose, submitted that at least 1ml would need to be administered the day before the races to show as above 100 micrograms per millilitre. This she said, in her opinion, made contamination of the E-SE bottle unlikely.

Mr Townley refuted this and said he knew a lot about Ketaprofen. He submitted that a tiny drop of Ketaprofen would be detectable and cause a positive swab. He also stated that not a lot of testing had been done and there was no science to prove what level of Ketaprofen would show as over the threshold the next day. He said that there was also no science or proof that what he said did not happen.

Mr Townley said there was no intent to administer and submitted that both the WELL DEFINED and GEENA'S GIRL cases should be treated as the same case with the same mistake happening with both horses, that being the contaminated bottle of E-SE. He said he made one mistake and got two horses with positives.

Mr Townley also stated that he had raced other horses in between the positive swabs which were clear swabs and he had not treated any of those with E-SE. This, he said, supported the cross-contamination explanation he had submitted. He submitted that both positives were from the same contaminated bottle of E-SE.

Disqualification of the horse

[12] (1) Mrs Williams referred to Rule 1004D of the Rules of Harness Racing which provides:

Any horse which has been taken to a racecourse for the purpose of engaging in a race which is found to have administered to it or ingested any prohibited substance shall be disqualified from the race.

(2) Mrs Williams said that the winning stake has not been paid out. Mrs Williams sought disqualification of GEENA'S GIRL.

(3) The Committee ordered that GEENA'S GIRL be disqualified from Race 5, Pam and Ivan Lawson Handicap Trot, at the meeting of NZMTC held at Addington on 2 March 2018, effective Monday 30 April 2018. As a consequence of the disqualification, the amended result for the Race is as follows:

1st Tehoro Dazzle
2nd Rachmaninov
3rd Chivision
4th Motu Great Sensation
5th Beyond The Horizon
6th Natives Lasting Love

The Committee ordered that stakes for the Race be paid in accordance with that amended result.

Reasons for Penalty

[13] The relevant penalty Rule is Rule 1004 (7) which provides:

(1) *Every person who commits a breach of sub-rule (2) or (3) shall be liable to:*

(a) a fine not exceeding \$20,000.00; and/or

(b) be disqualified or suspended from holding or obtaining a licence for any specific period not exceeding five years.

(2) The Committee notes that the maximum fine under Rule 1004 (7) (a) was increased by Harness Racing New Zealand from \$10,000 to \$20,000 in 2011, reflecting the desire of that body to provide a greater deterrent. In the Committee's view, penalties imposed for breaches of the Rule prior to March 2011 need to be looked at in the light of that.

(3) The principal mitigating factors, to which the Committee has had regard in determining penalty, are Mr Townley's early admission of the breach and the way in which he has conducted himself throughout the enquiry.

(4) Against those factors is the ever-present need to maintain the integrity of and public confidence in harness racing by adequately punishing the breach and deterring Mr Townley and others from offending in a similar manner in the future.

(5) The previous breach by Mr Townley in February 2018, a month prior to this breach, is an obvious significant aggravating factor. Mr Townley was then fined the sum of \$7,000.

(6) Mr Townley's lengthy submissions on what he believed happened to cause GEENA'S GIRL to have Ketaprofen in her system were taken into consideration. Mr Townley put to the Committee an explanation for the positive for GEENA'S GIRL which he also submitted was the reason for the WELL DEFINED positive to Ketaprofen, being the contamination of the bottle of E-SE. This Committee has doubt and attaches little or no weight with this explanation as the amount of Ketaprofen detected in both horses was above the regulatory threshold of 100 micrograms per litre. We, however, agree with the submissions of the RIU and determined that on the balance of probabilities, it would be highly unlikely that a contamination of the bottle of E-SE, as described by Mr Townley, would produce positive readings of Ketaprofen at the levels detected. It is therefore difficult to know what actually happened to GEENA'S GIRL to have Ketaprofen in her system on 2 March 2018. What is obvious to this Committee is that Ketaprofen has been administered to the mare inside the 4.2 day withholding period to produce a reading of 157 milligrams per litre and that Mr Townley is ultimately responsible for that, however it got into the horse's system.

(7) The Informant has not alleged that Mr Townley had deliberately administered the prohibited substance to GEENA'S GIRL and the Committee has no basis for any finding that he did so.

(8) Nevertheless, the Committee finds that Mr Townley was negligent in a number of respects, as submitted by Mrs Williams. Mr Townley had 10 days between the notification of the WELL DEFINED positive and the race in question for GEENA'S GIRL, but only elected to make 1 change to his procedures and routines by way of a medication safe. WELL DEFINED's positive should have been a "red flag" to Mr Townley to investigate what had led to this. We believe that after a positive is detected in a stable, a prudent trainer would immediately stop all current practices and procedures and engage in a thorough review of these until it could be established what had caused the wrongful administration. We also believe that a prudent trainer should also seek the professional assistance and guidance of a veterinary surgeon and not continue on self-administering drugs until it could be again, established what process had caused the positive. Mr Townley, however, continued on with his established procedures and practices and has found himself with this breach, a second within a month.

(9) The JCA Penalty Guide provides a starting point for a 2nd breach of this rule with a 2-year disqualification and a \$10,000 fine. The RIU are not seeking disqualification and we, also, are not considering disqualification with this case.

Mr Townley was fined the sum of \$7,000 for his breach in February 2018, only 1 month prior to this breach for the same drug, Ketaprofen. Having regard to this being the second breach of this Rule by Mr Townley, we adopted the \$10,000 starting point and determined that the aggravating factors in this case warranted an uplift in penalty. This we set at \$3,000. The mitigating factors are also worthy of consideration, being Mr Townley's early admission of the breach and his full cooperation throughout the investigation. For these factors, Mr Townley is deserved of a discount which we set at \$2,000.

(10) Having regard to all of the matters referred to above, the Committee is satisfied that a fine of \$11,000 is an appropriate penalty in this case. We believe that such a penalty will satisfy the principal requirements of sentencing – that is to say, to punish the offender, to deter the offender and others in the industry and the need to maintain integrity and public confidence in harness racing.

Penalty

[14] Mr Townley is fined the sum of \$11,000.00.

Costs

[15] Mrs Williams did not seek any award of costs in favour of the Racing Integrity Unit and, accordingly, no order is made.

[16] As this hearing was heard at a race meeting there was no order for costs to the JCA.

S C Ching

Chairman

Penalty: