

Non Raceday Inquiry RIU v L D McCormick - Written Penalty Decision dated 24 June 2021 - Chair, Mr R McKenzie

Rules:

Repondent(s)/Other parties:

Name(s):

Decisions:

BEFORE A JUDICIAL COMMITTEE

HELD AT CHRISTCHURCH

IN THE MATTER of the New Zealand Rules of Harness Racing

IN THE MATTER of Information No. A13668

BETWEEN P WILLIAMS, Stipendiary Stewart for the Racing Integrity Unit

Informant

AND LAWRENCE DONALD McCORMICK, Licensed Open Driver

Respondent

Judicial Committee: Mr RG McKenzie (Chairman)

Ms OK Jarvis

Ms L Yong

Date of Hearing: 20 June 2021

Present: Mr P Williams, the Informant

Mr SP Renault, Stipendiary Steward

Mr LD McCormick, the Respondent

Date of Written Decision: 24 June 2021

PENALTY DECISION OF JUDICIAL COMMITTEE

The Charge

[1] Information No. A13668 alleges that Mr McCormick, as the Driver of MISSMOLLYGOODGOLLY in Race 8, South Island Seed Dressing & Storage Pace, at the meeting of Ashburton Trotting Club held at Ashburton on the 1st day of May 2021 committed a breach of Rule 869(4) & (6)(b) & (c) in that he “forced K Tomlinson (DELIGHTFUL GLORIA) to race wider on the track near the 1100 metres – the Push Out Rule”.

[2] Mr Williams produced a letter dated 14 June 2021 signed by Mr M R Godber, General Manager of the Racing Integrity Unit, pursuant to Rule 1108(2), granting permission for the filing of the Information.

The Rule

[3] Rule 869 provides as follows:

(4) No driver shall during any race do anything which interferes or is likely to interfere with his own horse and/or any other horse or its progress.

(6) Subject to sub-rule (4) hereof:

(b) a horse during any race shall not be forced to race wider on the track;

(c) a horse during a race shall not move ground outwards once the nose of the wider runner coming forward is in line with or past its sulky wheel and until the wider runner going forward is fully past.

(7) Sub-rule (6) (b) and (c) of this Rule shall apply until 1000 metres from the finish of the race . . .

The Plea

[4] Mr McCormick indicated to the hearing that he admitted the breach.

Submissions

[5] Mr Williams had Stipendiary Steward, Mr SP Renault, show a video replay of the incident just prior to the 1000 metres. He pointed out MISSMOLLYGOOD- GOLLY, driven by Mr McCormick, racing five places back on the markers at that point with Miss Tomlinson, racing in the two-out line in second-to-last position, and behind Mr McCormick.

[6] Mr Williams then pointed out HARRISON (JC Morrison), which had been racing on Mr McCormick's outer, ease out and improve into the 3-wide line. Mr McCormick then moved out to take up the position vacated by Mr Morrison but, by that time, Miss Tomlinson had improved to a position outside the wheel of Mr McCormick and, as a result of Mr McCormick's shifting out, was forced to race 3-wide.

[7] Mr McCormick said that he "just got it wrong".

Decision

[8] Mr McCormick having admitted the charge, it is found proved.

Penalty Submissions

[9] Mr Williams said that Mr McCormick has a clear record under the Rule. He has had 52 drives this season and, last season, had 69 drives. The Penalty Guide starting point for a mid-range breach is a \$250 fine or a 5-drive suspension. Stewards considered the breach to be in the low-to-medium range and a fine is the appropriate penalty, the amount of which he would leave to the Committee, Mr Williams said. The only aggravating factor was that Miss Tomlinson had been forced wide and had been denied the position that she was entitled to, he said.

[10] Mr McCormick said that his financial position was such that he was not in a position to pay a fine and asked the Committee to consider imposing a suspension rather than a fine. He requested that commencement of any term of suspension be deferred until after racing at the Timaru HRC meeting on 27 June.

Reasons for Penalty

[11] This is a low-to-medium level breach of the Push Out Rule. The Penalty Guide starting point is a \$250 fine or a 5-drive suspension. Mr McCormick told the Committee that he was not in a position to comfortably pay a fine and the Committee has listened to that.

[12] Mr McCormick is entitled to a discount for, firstly, his frank admission of the breach and, secondly, his previous good record under the Rule. The Committee fixes the discount for those factors at one drive.

[13] In Mr McCormick's case, the Committee has calculated the term of suspension on the basis that he has two drives per meeting.

[14] Mr McCormick's application for a deferment of suspension is granted as sought.

Penalty

[15] Accordingly, Mr McCormick's Open Driver's Licence is suspended for a period commencing after racing on 27 June 2021 up to and including 4 July 2021 – 2 days. The two meetings intended to be encompassed by that period of suspension are the meetings of NZ Metropolitan TC on 2nd and 4th July 2021.

RG McKENZIE

Chair

Penalty: