

**Non Raceday Inquiry RIU v N C Rasmussen - Written Decision dated 6 June 2017 - 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 NATALIE CLAIR RASMUSSEN**

Open Horsewoman

**Respondent**

**Information:** A5519

**Judicial Committee:** Prof G Hall, Chairman

Mr R McKenzie, Committee Member

Mr S Ching, Committee Member

**Appearing:** Mr N Ydgren, Chief Stipendiary Steward for the Informant

The Respondent in person

**Date of hearing and oral decision:** 3 June 2017

**WRITTEN DECISION OF JUDICIAL COMMITTEE**

[1] The respondent, Ms Natalie Rasmussen, is charged that on 19 May 2017 in race 6, the Iain McMillan Memorial Winter Cup, at the NZMTC meeting at Addington as the driver of WAIKIKI BEACH she allowed her runner to shift inwards in the run home and restrict the racing room of PICCADILLY PRINCESS, with that horse having to check.

[2] This is an alleged breach of r 869(3)(b) of the New Zealand Rules of Harness Racing. This is the careless driving rule.

[3] Ms Rasmussen is the holder of an Open Horsewoman's licence.

[4] Ms Rasmussen stated she had had the opportunity to view the videos and that she admitted the charges.

[5] Mr Ydgren demonstrated the incident on the side and head-on videos.

[6] These videos evidenced that as the field entered the home straight the respondent was in the parked position on WAIKIKI BEACH. Shortly after the horses straightened, Mr Purdon the driver of PICCADILLY PRINCESS angled out for a run to the outside of Mr Orange (CLASSIE BRIGADE) and to the inside of Ms Rasmussen.

[7] The head on video showed that CLASSIE BRIGADE had shifted out on the turn and, in so doing, dictated WAIKIKI BEACH outwards. This movement created a clear run for PICCADILLY PRINCESS. At this time WAIKIKI BEACH shifted in under pressure and the run for PICCADILLY PRINCESS closed. Mr Ydgren said Mr Purdon was entitled to that run, had become established in the run, and had had to check his horse. He further commented that this was a significant check and possibly had cost PICCADILLY PRINCESS the race. We note the margin at the finish was a neck with PICCADILLY PRINCESS closing on the winner.

[8] Mr Ydgren reiterated the foundation for the charge was that the respondent had allowed her horse to shift inwards under pressure. He said Mr Purdon had called out because his run was being crowded by WAIKIKI BEACH. He acknowledged the respondent had taken corrective action but this was too late.

[9] Ms Rasmussen accepted that she had allowed her horse to shift in and that there had been sufficient room initially for a run for Mr Purdon to her inside. She said she had not realised she was drifting in to the extent she had and the moment she became aware there was a horse there, she shifted outwards to give it room. She said she heard calling but because of the beanie and headband she wore, she had no idea who it was that was calling to her.

[10] Ms Rasmussen said WAIKIKI BEACH had a murphy blind on the near side and had run away from it at the top of the straight. The horse then began drifting down. She said PICCADILLY PRINCESS had been full of running and come through on her inside very quickly.

[11] Ms Rasmussen has admitted the breach of r 869(3)(b). We thus find the breach proved.

#### **Submissions as to penalty**

[12] Mr Ydgren produced the respondent's record. She has had 84 drives this season, 65 the last, and 134 the season before. He said Ms Rasmussen had a clear record for the past 12 months. He described her record as excellent.

[13] Mr Ydgren submitted a monetary penalty at the level of the \$500 starting point in the JCA Penalty Guide was appropriate. He described the breach as mid range. It was not a major race for the purposes of the Penalty Guide but an aggravating feature was that PICCADILLY PRINCESS had her chances hampered.

[14] Ms Rasmussen said she had no preference either way whether a fine or a suspension was imposed. She emphasised her good record.

#### **Decision as to penalty**

[15] Shortly after the field straightened for the run home CLASSIE BRIGADE has shifted out dictating WAIKIKI BEACH outwards. A gap presented itself to Mr Purdon and he proceeded to take that gap with some speed. At this time Ms Rasmussen had allowed WAIKIKI BEACH to drift down on the track and the gap closed for Mr Purdon, who had to check PICCADILLY PRINCESS.

[16] Ms Rasmussen has clearly taken corrective action but both parties agree that this was too late. We are also of this view.

[17] We believe a monetary penalty is appropriate and take the JCA starting point of \$500. We increase this by some \$200 because of the nature of the breach and, in particular, that the chances of PICCADILLY PRINCESS were affected by the respondent's carelessness. PICCADILLY PRINCESS, after being held up, was finishing the race off strongly and was only a neck away from winning the race.

[18] Ms Rasmussen's record is truly excellent. We have had regard to her record and can find no breach of the careless driving rule in the period we have been able to access, which is from 2009 to date. This record merits a substantial reduction in penalty. When the admission of the breach is also considered, we reach a penalty of \$450.

[19] Ms Rasmussen is fined the sum of \$450.

Dated at Dunedin this 6th day of June 2017.

Geoff Hall, Chairman

#### **Penalty:**