

STEWARDS INQUIRY DECISION

Date of Decision: 20th August 2021

Stewards Panel: H Edgecombe (Chairman), S Shinn, G Griffin

Horse Name: CALL ME HECTOR

Track/Race: Race 7: HARDINGS HOT MIX DEVONPORT CUP – DHRC
Race 6: MAX PULFORD MEMORIAL FFA PACE – TTC

Date of Race(s): 17th January 2021
21st February 2021

Prohibited Substance: STANZOLOL, GW501516 & O-DESMETYLTRAMADOL

Rule no: **AHRR190AA(1)(2)(a, b, c & d), AHRR 196A(1)(ii)(2), AHRR 190(1)(2)(4),**

FACTS: Stanazolol and GW501516 has been detected in a pre-race blood sample collected from CALL ME HECTOR before he competed in and placed 6th in the HARDINGS HOTMIX DEVONPORT CUP at the Devonport Harness Racing Club Meeting on Sunday 17th January 2021.

o-desmethyltramadol has been detected in a post-race urine sample collected from CALL ME HECTOR after he competed in and placed 1st in the MAX PULFORD MEMORIAL FFA PACE at the Tasmanian Trotting Club Meeting on Sunday 21st February 2021.

INQUIRY: Office of Racing Integrity Stewards inquired into reports from the analysts, that Stanazolol and GW501516 had been detected in a pre-race blood sample taken from CALL ME HECTOR at the Devonport Harness Racing Club on 17th January 2021.

Office of Racing Integrity Stewards inquired into reports from the analysts, that o-desmethyltramadol had been detected in a post-race urine sample taken from CALL ME HECTOR at the Tasmanian Trotting Club on 21st February 2021.

Stewards heard verbal and written evidence tendered by trainer Mr. Matthew Cooper in relation to each sample.

Written and verbal evidence was tendered by the Office of Racing Integrity Regulatory Veterinarian, Dr. Adam Richardson, in relation to the effects of Stanazolol, GW501516 and o-desmethyltramadol on horses.

Verbal evidence was heard by RASL laboratory director, Mr David Batty, in relation to the testing of samples and the detection of Stanazolol, GW501516 and o-desmethyltramadol.

The inquiry was then adjourned for Stewards to consider the evidence. After giving due consideration to the evidence tendered, on Thursday 12th August 2021 Stewards issued Mr Cooper the charges with their particulars below in writing by via email.

CHARGE 1 - AHRR190AA(1)(2)(a, b, c, d)

Mr. Matthew Cooper is, and was at all relevant times, a trainer licenced by the Office of Racing Integrity Tasmania and are a person bound by the Australian Harness Racing Rules (AHRR). Mr Cooper is, and was at all relevant times, the trainer of the standardbred CALL ME HECTOR. CALL ME HECTOR was administered anabolic steroid while in your care. A pre-race blood sample was taken from CALL ME HECTOR on the 17th January 2021 when the horse was presented to and did compete in race 7 the HARDINGS HOT MIX DEVONPORT CUP at Devonport Harness Racing Club. (The Event). Stanazolol was detected in the Sample. As evidenced by certificate of analysis RS21/006649-B and RS21/006649-B this being prima facie and conclusive evidence under AHRR 191(1)(2)(3). Stanazolol is not a natural occurring substance and had to have been administered to CALL ME HECTOR to appear present in the sample collected at the Devonport Harness Racing Club meeting on the 17th January 2021.

CHARGE 2 - AHRR196A(1)(ii)(2)

Mr. Matthew Cooper is, and was at all relevant times, a trainer licenced by the Office of Racing Integrity Tasmania and are a person bound by the Australian Harness Racing Rules (AHRR). Mr Cooper is, and was at all relevant times, the trainer of the standardbred CALL ME HECTOR. CALL ME HECTOR was administered anabolic steroid while in your care. A pre-race blood sample was taken from CALL ME HECTOR on the 17th January 2021 when the horse presented to and did complete in race 7 the HARDINGS HOT MIX DEVONPORT CUP at the Devonport Harness Racing Club. (The Event). Stanozolol was detected in the Sample. As evidenced by certificate of analysis RS21/006649-B and RS21/006649-B this being prima facie and conclusive evidence under AHRR 191(1)(2)(3). Stanozolol is not a natural occurring substance and had to have been administered to CALL ME HECTOR to appear present in the sample collected at the Devonport Harness Racing Club meeting on the 17th January 2021. Stanozolol is a prohibited substance under AHRR 188A(1) The following are prohibited substances (a) Substances capable at any time of causing either directly or indirectly an action or effect, or both an action and effect, within one or more of the following mammalian body systems:-the musculo-skeletal system (b)Substances falling within, but not limited to, the following categories:-anabolic agents.

CHARGE 3 - AHRR190(1)(2)(4)

Mr. Matthew Cooper is, and was at all relevant times, a trainer licenced by the Office of Racing Integrity Tasmania and are a person bound by the Australian Harness Racing Rules (AHRR). Mr Cooper is, and was at all relevant times, the trainer of the standardbred CALL ME HECTOR. CALL ME HECTOR was presented to; and did compete in; race 7 the HARDINGS HOT MIX DEVONPORT CUP at the Devonport Harness Racing Club on the 17th January 2021 placing 6th. (The Event). On 17th January 2021 CALL ME HECTOR was presented to compete at the Event when not free of a prohibited substance; A pre-race blood sample was taken from CALL ME HECTOR at the Event (The Sample). Stanozolol was detected in the Sample. As evidenced by certificate of analysis Rs21/006649-B and RS21/006649-B this being prima facie and conclusive evidence under AHRR 191(1)(2)(3). Stanozolol is a prohibited substance under AHRR 188A(1) The following are prohibited substances (a) Substances capable at any time of causing either directly or indirectly an action or effect, or both an action and effect, within one or more of the following mammalian body systems:-the musculo-skeletal system (b) Substances falling within, but not limited to, the following categories:-anabolic agents.

CHARGE 4 - AHRR196A(1)(ii):

Mr. Matthew Cooper is, and was at all relevant times, a trainer licenced by the Office of Racing Integrity Tasmania and are a person bound by the Australian Harness Racing Rules (AHRR). Mr Cooper is, and was at all relevant times, the trainer of the standardbred CALL ME HECTOR. CALL ME HECTOR was nominated to; and did compete in; the MAX PULFORD MEMORIAL FFA PACE at the Tasmanian Trotting Club meeting on the 21st February 2021 placing 1st. (The Event). On 21st February 2021 CALL ME HECTOR competed in the Event when not free of a prohibited substance. A pre-race blood sample was taken from CALL ME HECTOR at the Event (The Sample). GW501516 and its metabolites were detected in the Sample as evidenced certificate of analysis RS21/006649-B and RS21/006649-B, this being prima facie and conclusive evidence under AHRR 191(1)(2)(3). Considering that the substance GW501516 is not naturally occurring in a horse and must have been administered to CALL ME HECTOR to be present in the sample collected from him on 17 January 2021. GW501516 is a metabolic modulator and is an unregistered substance in Australia. GW501516 is a prohibited substance under AHRR 188A(1) The following are prohibited substances (a) Substances capable at any time of causing either directly or indirectly an action or effect, or both an action and effect, within one or more of the following mammalian body systems:- the musculo-skeletal system.

CHARGE 5 - AHRR190(1)(2)(4):

Mr. Matthew Cooper is, and was at all relevant times, a trainer licenced by the Office of Racing Integrity Tasmania and are a person bound by the Australian Harness Racing Rules (AHRR). Mr Cooper is, and was at all relevant times, the trainer of the standardbred CALL ME HECTOR. CALL ME HECTOR was nominated to; and did compete in; the HARDINGS HOT MIX DEVONPORT CUP at the Devonport Harness Racing Club on the 17th January 2021 placing 6th. (The Event). On 17th January 2021 you presented CALL ME HECTOR to compete at the Event when not free of a prohibited substance; A pre-race blood sample was taken from CALL ME HECTOR at the Event (The Sample). GW501516 was detected in the Sample. As evidenced by certificate of analysis Rs21/006649-B and RS21/006649-B this being prima facie and conclusive evidence under AHRR 191(1)(2)(3). GW501516 is an metabolic modulator and is an unregistered substance in Australia GW501516 prohibited substance under AHRR 188A(1) The following are prohibited substances (a)Substances capable at any time of causing either directly or indirectly an action or effect, or both an action and effect, within one or more of the following mammalian body systems:- the musculo-skeletal system.

CHARGE 6 - AHRR190(1)(2)(4):

Mr. Matthew Cooper is, and was at all relevant times, a trainer licenced by the Office of Racing Integrity Tasmania and are a person bound by the Australian Harness Racing Rules (AHRR). Mr Cooper is, and was at all relevant times, the trainer of the standardbred CALL ME HECTOR. CALL ME HECTOR was nominated to; and did compete in; the MAX PULFORD MEMORIAL FFA PACE at the Tasmanian Trotting Club meeting on the 21st February 2021 placing 1st. (The Event). On 21st February 2021 you presented CALL ME HECTOR to compete at the Event when not free of a prohibited substance. A post-race urine sample was taken from 'CALL ME HECTOR at the Event (The Sample). o-desmethyltramadol was detected in the Sample as evidenced certificate of analysis RS21/02309-B and RS21/02309-14, this being prima facie and conclusive evidence under AHRR 191(1)(2)(3). o-desmethyltramadol is a prohibited substance under AHRR 188A(1) The following are prohibited substances (a) Substances capable at any time of causing either directly or indirectly an action or effect, or both an action and effect, within one or more of the following mammalian body systems:- In that it affects the nervous system, And also under 188A(1)(b) in that it is a narcotic analgesic.

On Friday 13th August 2021 Mr Cooper submitted his pleas via email in relation to each charge as follows:

- Charge 1 – not guilty,
- Charge 2 – not guilty,
- Charge 3 – guilty,
- Charge 4 – not guilty,
- Charge 5 – guilty
- Charge 6 – not guilty.

The inquiry was resumed on Wednesday 18th August 2021 at which stage Mr Cooper made his submissions in support of his not guilty pleas to Charges 1, 2 and 4 and 6.

After considering Mr Cooper's submissions Stewards elected to withdraw Charges 1,2 and 4. Mr Cooper was found guilty of Charge 3, 5 and 6.

Mr Cooper then made oral submissions regarding penalties if Stewards determined to issue any penalties. The proceedings were then adjourned for Stewards to further consider the matter of possible penalties.

On Friday 20th August 2021 Mr Cooper was issued the penalties listed below in writing by via email.

PENALTY DECISION:

When determining penalty, Stewards took the following things into account:

- Mr Cooper's guilty pleas in relation to charge 3 and charge 5.
- Mr Cooper's not guilty plea in relation to charge 6.
- Mr Cooper's conduct throughout the Inquiry.
- Mr Cooper's prior offence record with no prior prohibited substances offences recorded.
- Mr Cooper's personal circumstances.
- Mr Cooper's extensive length of involvement in the racing industry.
- Mr Cooper's submissions in relation to negligent contamination in relation to the o-desmethyltramadol.
- The serious nature of an anabolic androgenic steroid, Stanozolol, being detected in a Sample.
- The seriousness of the substance GW501516, a substance not registered for use in Australia that was detected in a Sample.
- Stewards considered that a penalty needs to reflect the seriousness of such offences, to act as a deterrent both specifically to Mr Cooper, and as a general deterrent to others within the industry.
- Stewards have also considered relevant precedents in relation to breaches under prohibited substance rules.
- Precedents of breaches of AHRR190(1)(2)(4) rule and penalties that have been issued for similar offences throughout Tasmania and Australia.
- All evidence presented throughout the inquiry.

Charge 1 – Withdrawn by Stewards.

Charge 2 – Withdrawn by Stewards.

Charge 3 – AHRR 190(1)(2)(4) A 12-month disqualification of Mr Cooper's licence to commence at midnight tonight the 20th August 2021, ending on 20th August 2022.

Charge 4 – Withdrawn by Stewards.

Charge 5 – AHRR 190(1)(2)(4) A 12-month disqualification of Mr Cooper's licence to commence at midnight tonight the 20th August 2021, ending on the 20th August 2022. This disqualification is to be served concurrently with charge 3.

in determining that these penalties are to be served concurrently, Stewards considered that the offence resulted from the one Sample being collected from the horse CALL ME HECTOR.

Charge 6 – AHRR 190(1)(2)(4) A fine of \$2,000.

FURTHER:

Acting under the provisions of AHRR 195 Stewards ordered that CALL ME HECTOR be disqualified from the HARDINGS HOT MIX DEVONPORT CUP at the Devonport Harness Racing Club on the 17th January 2021 and the placings amended accordingly.

Acting under the provisions of AHRR 190AA(4)(a) Stewards ordered that CALL ME HECTOR be stood down from racing for a period of 12 months commencing on the 17th January 2021. At the end of the 12-month period an Anabolic Androgenic Steroid Clearing Certificate must be obtained.

Acting under the provisions of AHRR195, Stewards ordered that CALL ME HECTOR be disqualified from Race 6 the MAX PULFORD MEMORIAL FFA PACE at the Tasmanian Trotting Club on the 21st February 2021 and the placings amended accordingly.

Further acting under the provisions of AHRR 190AA(4) Stewards have determined to disqualify CALL ME HECTOR from the following races:

- 25th January 2021 at the Tasmanian Trotting Club Meeting, Race 3 the TOREACE FLYING MILE (placed 4-8)
- 14th February 2021 at the Tasmanian Trotting Club Meeting, Race 6 the CROWN LAGER PACE (placed 1-5)
- 21st February 2021 at the Tasmanian Trotting Club Meeting, Race 6 the MAX PULFORD MEMORIAL FFA PACE (placed 1-7)
- 28th February 2021 at the Tasmanian Trotting Club Meeting, Race 5 the LADBROKES TASMANIA CUP HEAT ONE (placed 5-12)

With the placings and stake money to be adjusted accordingly for each race.

Mr Cooper was advised of his right to appeal against this decision.

ENDS