28 September 2021

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**FABIO DILIZIA**

**Date of hearing:** 16 September 2021

**Panel:** Justice Shane Marshall (Deputy Chairperson) and Judge Marilyn Harbison.

**Appearances:** Mr Marwan El-Asmar appeared on behalf of the Stewards.

Mr Fabio Dilizia represented himself.

**Charges:** Greyhounds Australasia Rule (“GAR”) 83(2)(a) states:

(2) The owner, trainer or person in charge of a greyhound-

1. nominated to compete in an Event;

shall present the greyhound free of any prohibited substance.

GAR 86(d) states:

A person (including an official) shall be guilty of an offence if the person –

(d) being an owner, trainer attendant or person having official duties in relation to greyhound racing, makes a false or misleading statement in relation to an investigation, examination, test or inquiry, or makes or causes to be made falsification in a document in connection with greyhound racing or the registration of a greyhound.

Local Racing Rule (“LR”) 11.12(b) states:

Unless the Board or Stewards direct otherwise, a person who is suspended is not, during the period of suspension:

(b) to enter the premises of a club on a day when a meeting, qualifying trial, satisfactory trial, other trial, Event or greyhound training of any type is occurring or would reasonably be expected to occur regardless of whether the meeting, qualifying trial, satisfactory trial, other trial, Event or training is actually occurring at that time.

**Particulars of charges: Charge 1: GAR 83(2)(a)**

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (“GRV”) (Member No. 303515) and a person bound by the Greyhounds Australasia Rules (“GAR”) and Local Racing Rules (“LR”).
2. You were, at all relevant times, the trainer of greyhound “Yeah Easy” (NHDYA).
3. Yeah Easy (NHDYA) was nominated to compete in, Race 5 conducted by the Sandown Greyhound Racing Association on 16 August 2020 (**the Event**).
4. On 16 August 2020, you presented Yeah Easy at the Event not free of any prohibited substance, given that:
5. A pre-race sample of urine was taken from “Yeah Easy” at the Event (**the Sample**);
6. Cocaine, Benzoylecgonine and Ecgonine methyl ester were detected in the Sample.

**Charge 2: GAR 83(2)(a)**

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (“GRV”) (Member No. 303515) and a person bound by the Greyhounds Australasia Rules (“GAR”) and Local Racing Rules (“LR”).
2. You were, at all relevant times, the trainer of greyhound “Nice And Easy” (NHDXU).
3. Nice And Easy (NHDXU) was nominated to compete in, Race 9 conducted by the Ballarat Greyhound Racing Club on 23 September 2020 (**the Event**).
4. On 23 September 2020, you presented Nice And Easy at the Event not free of any prohibited substance, given that:
5. A pre-race sample of urine was taken from Nice And Easy at the Event (**the Sample**);
6. Cocaine, Benzoylecgonine and Ecgonine methyl ester were detected in the sample.

**Charge 3: GAR 86(d)**

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (“GRV”) (Member No. 303515) and a person bound by the Greyhounds Australasia Rules (“GAR”) and Local Racing Rules (“LR”).
2. During an Inquiry held with you by Investigative Stewards on 22 September 2020 you stated you had not placed a bet on the greyhound “Yeah Easy” (NHDYA) in Race 5 at Sandown on 16 August 2020.
3. Betting Records obtained by GRV indicate you placed a $1,500 win bet on “Yeah Easy” and a further $500 multi bet which included a win bet on “Yeah Easy”.

**Charge 4: GAR 86(d)**

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (“GRV”) (Member No. 303515) and a person bound by the Greyhounds Australasia Rules (“GAR”) and Local Racing Rules (“LR”).
2. During an Inquiry held with you by Investigative Stewards on the 12 November 2020 you stated you had not placed a bet on the greyhound “Nice And Easy” (NHDXU) in Race 9 at Ballarat on 23 September 2020.
3. Betting Records obtained by GRV indicate you placed two (2) multi bets for $500 each which included win bets on “Nice And Easy”.

**Charge 5: LR 11.12(b)**

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (“GRV”) (Member No. 303515) and a person bound by the Greyhounds Australasia Rules (“GAR”) and Local Racing Rules (“LR”).
2. On 24 November 2020, you were served with an “Immediate Suspension Notice” pursuant to Local Rule 11.14.
3. On 1 December 2020, you were served with a “Notification of Suspension” pursuant to GAR 92(5)(c).
4. On 22 February 2021, you entered the premises of the Shepparton Greyhound Complex during the running of a greyhound meeting.

**Plea:** Guilty to all charges

**DECISION**

1. Mr Fabio Dilizia is a registered greyhound trainer and is currently suspended. He was first registered as an owner/trainer on 29 June 2020. He had previously been registered as an owner from 4 May 2020.
2. Stewards of Greyhound Racing Victoria (“GRV”) have charged Mr Dilizia with five offences. Four arise under the Greyhounds Australasia Rules (“GAR”), two under GAR 83(2)(a) and two under GAR 86(d). The other charge arises under Local Racing Rule (“LR”) 11.12(b). At a directions hearing held on 10 September 2021, Mr Dilizia pleaded guilty to all five charges.
3. Charges 1 and 2 are charges under GAR 83(2)(a) which prohibits the presentation of a greyhound for an event while not free of a prohibited substance.
4. Charge 1 concerns a greyhound called “Yeah Easy”. Yeah Easy was to race at Sandown in Race 5 on 16 August 2020. That race was abandoned prior to start time. A pre-race swab of urine taken from the greyhound showed the presence of cocaine and its two metabolites, benzoylecgonine (“BZE”) and ecgonine methyl ester (“EME”). At the time of the positive swab, Mr Dilizia had only been training the greyhound for six weeks.
5. Charge 2 concerns a greyhound called “Nice And Easy”. Nice And Easy raced in Race 9 on 23 September 2020 at Ballarat. A pre-race swab showed the presence of cocaine, BZE and EME.
6. In a Stewards inquiry into the positive swab involving Yeah Easy, Mr Dilizia was asked if he had placed a bet on the greyhound. He said he had not, whereas betting records show that he had a $1,500 win bet on Yeah Easy and a $500 multi win bet which included that greyhound. That involved giving false information and a misleading statement to the Stewards in breach of GAR 86(d). That is the subject of charge 3.
7. Charge 4 concerns another breach of GAR 86(d). In the Stewards inquiry concerning the positive swab for Nice And Easy, Mr Dilizia stated that he had not placed a bet on the greyhound. Betting records showed that he had placed two multi bets for $500 each which included win bets on Nice And Easy. Nice And Easy won the race and paid $2.50 for the win.
8. Charge 5 concerns a breach of LR 11.12(b), which prohibits a suspended person from entering the premises of a greyhound club when a meeting is being held. On 1 December 2020, Mr Dilizia was suspended by GRV Stewards. On 22 February 2021 he entered the premises of Shepparton Greyhound Racing Club during the holding of a meeting.
9. Mr Dilizia told Stewards that he had no idea how the positive swabs relevant to charges 1 and 2 occurred. Mr Dilizia said that he later admitted to having bets the subject of charges 3 and 4 after he had thought about it. He had no excuse for his breach of LR 11.12(b). He said it was his birthday and that he wanted “to have a few beers and watch the dogs”.
10. In setting penalties on the first two charges, we take into account specific and general deterrence and the importance of keeping a drug free industry to ensure a level playing field. We take into account the guilty pleas and recent penalties in like matters. We also take into account that Mr Dilizia was aware that a positive sample for Yeah Easy had occurred prior to Nice And Easy being presented to race on 23 September 2020. We also take into account that cocaine is a serious performance enhancing drug which has no place in the greyhound racing industry. We additionally take into account Mr Dilizia’s submission that the contamination occurred at a time when friends of his who were cocaine users were visiting his kennels. Whether so much is true is a matter of which is unproven and was a late suggestion not previously put to the Stewards. Mr Dilizia was not concerned about bringing the second greyhound to the meeting at Ballarat because he was not concerned about the first positive swab at the time, believing he had done nothing wrong with respect to Yeah Easy. We also take into account that Mr Dilizia is extremely remorseful and embarrassed about these charges.
11. In relation to charges 3 and 4, we take into account the critical importance of registered participants being honest with Stewards. The job of the Stewards is hard enough without being misled by registered participants.
12. The breach of LR 11.12(b), the subject of charge 5, is a very serious matter. Disregard of the conditions of suspension cannot be tolerated. Mr Dilizia claimed that he was not aware at the time that he should not attend the track. That is no excuse.
13. On all charges, we take into account Mr Dilizia’s lack of prior offending in his short time as an owner/trainer.
14. On charge 2, we disqualify Mr Dilizia for a period of 15 months, with six months suspended for 24 months on the condition that Mr Dilizia not breach any Rules of greyhound racing.
15. On charge 1, we disqualify Mr Dilizia for a period of 15 months, to be served concurrently with the penalty on charge 2.
16. On charge 3, we impose a further disqualification period of three months, to be served cumulatively with the penalty on charge 2.
17. On charge 4, we impose a further disqualification period of three months, to be served cumulatively with the penalties on charges 2 and 3.
18. On charge 5, we impose a further disqualification period of six months, to be served cumulatively with the penalties on charges 2, 3 and 4.
19. In addition, Nice And Easy is disqualified from Race 9 at Ballarat on 23 September 2020.
20. The total period of disqualification is a period of 27 months, with 6 months suspended for 24 months on the condition that Mr Dilizia does not breach any Rules of greyhound racing in that period. That leaves an effective disqualification period of 21 months, which shall take effect from 22 February 2021. This is the date on which Mr Dilizia breached the terms of his suspension. Had he not done so, the period of disqualification would have commenced on 1 December 2020, the date of his suspension by GRV Stewards pending the hearing of these charges.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal