10 November 2020

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**MR JAMES ENNIS**

**Date of hearing:** 30 October 2020

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

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

Mr James Ennis represented himself.

**Charge:** Greyhounds Australasia Rule (GAR) 83(2) states:

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

1. nominated to compete in an Event;
2. presented for a satisfactory, weight or whelping trial or such other trial as provided for pursuant to these Rules; or
3. presented for any test or examination for the purpose of a period of incapacitation or prohibition being varied or revoked

shall present the greyhound free of any prohibited substance.

**Particulars of charge: Charge 1**

1. You are, and were at all relevant times, a trainer licensed by Greyhound Racing Victoria and a person bound by the Greyhounds Australasia Rules.
2. You were, at all relevant times, the trainer of the greyhound *“Mullion Mayor”.*
3. *“Mullion Mayor”* was nominated to compete in, Race 4, DOWNLOAD THE WATCHDOG APP, Grade 5, conducted by the Sandown Greyhound Racing Club at Sandown on 2 April 2020 (**the Event**).
4. On 2 April 2020, you presented *“Mullion Mayor”* at the Event not free of any prohibited substance, given that:
5. A pre-race sample of urine was taken from *“Mullion Mayor”* at the Event (**the Sample**);
6. Cimetidine was detected in the Sample.

**Charge 2**

1. You are, and were at all relevant times, a trainer licensed by Greyhound Racing Victoria and a person bound by the Greyhounds Australasia Rules.
2. You were, at all relevant times, the trainer of the greyhound *“Jim Zarr Dashian”.*
3. *“Jim Zarr Dashian”* was nominated to compete in, Race 4, REVOLUTION PRINT (3-6 WINS) (VICGREYS), Restricted Win Final, conducted by the Ballarat Greyhound Racing Club at Ballarat on 15 April 2020 (**the Event**).
4. On 15 April 2020, you presented *“Jim Zarr Dashian”* at the Event not free of any prohibited substance, given that:
5. A post-race sample of urine was taken from *“Jim Zarr Dashian”* at the Event (**the Sample**);
6. Cimetidine was detected in the Sample.

**Plea:** Guilty

**DECISION**

1. Mr James Ennis is a registered greyhound trainer and the trainer of the greyhounds “Mullion Mayor” and “Jim Zarr Dashian”. Mullion Mayor competed in Race 4 at Sandown on 2 April 2020 and finished second. Jim Zarr Dashian competed in Race 4 at Ballarat on 15 April 2020 and won the event. Each greyhound returned a positive swab for Cimetidine.
2. Cimetidine is a prohibited substance under the Greyhounds Australasia Rules (“GAR”). It is contained in prescription only medicine. It is used to reduce gastrointestinal acid production and in the treatment of gastric intraduodenal ulcers and gastric reflux. It may increase athletic performance and increase chasing desire in male dogs. It is capable of having a positive effect on the performance of a greyhound.
3. Mr Ennis has been charged under GAR 83(2) in respect of each positive swab for presenting a greyhound for an event while not being free of a prohibited substance. He has pleaded guilty to each charge and has no idea how the contamination occurred. He is a person of good character, as is demonstrated by impressive character references tendered by him. His veterinarian has also submitted a note indicating that he has not prescribed Cimetidine to any of Mr Ennis’ dogs since 2015.
4. In setting a penalty, we propose to consider only imposing a penalty on the first charge involving Mullion Mayor, because both samples had been taken before Mr Ennis learned of the irregularity.
5. We are comfortably satisfied that both charges are made out. We impose no penalty on the second charge. In setting a penalty on the first charge, we take into account general deterrence, the importance of maintaining a level playing field by having a drug free industry, animal welfare, recent penalties in like matters and the guilty plea. We also take into account Mr Ennis’ prior transgression in the administration of Meloxicam in 2014 but appreciate that it was 6 years ago.
6. In all the circumstances, we impose a penalty of a fine of $500.
7. In addition, both greyhounds are disqualified from their respective events.

Mark Howard
Registrar, Victorian Racing Tribunal