15 October 2020

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**MR JAMES THEODOTOU**

**Date of hearing:** 9 October 2020

**Panel:** Justice Shane Marshall (Deputy Chairperson) and Mr Josh Bornstein.

**Appearances:** Mr Damien Hannan appeared on behalf of the Stewards.

Mr James Theodotou 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 “*Quick Finance*”.

3. “*Quick Finance*” was nominated to compete in, Race 10, OUTLINE PRINT DESIGN VETERANS, S/E Veterans, conducted by the Geelong Greyhound Racing Club at Geelong on 6 March 2020 (**the Event**).

4. On 6 March 2020, you presented “*Quick Finance*” at the Event not free of any prohibited substance, given that:

1. A pre-race sample of urine was taken from “*Quick Finance*” at the Event (**the Sample**);
2. Pholcodine 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 “*Quick Finance*”.

3. “*Quick Finance*” was nominated to compete in, Race 5, DOWNLOAD THE WATCHDOG APP, Grade 5 T3, conducted by the Warragul Greyhound Racing Club at Warragul on 23 April 2020 (**the Event**).

4. On 23 April 2020, you presented “*Quick Finance*” at the Event not free of any prohibited substance, given that:

1. A post-race sample of urine was taken from “*Quick Finance*” at the Event (**the Sample**);
2. Pholcodine was detected in the Sample.

**Charge 3**

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 “*Quick Finance*”.

3. “*Quick Finance*” was nominated to compete in, Race 5, DOWNLOAD THE WATCHDOG APP, Grade 5 T3, conducted by the Warragul Greyhound Racing Club at Warragul on 23 April 2020 (**the Event**).

4. On 23 April 2020, you presented “*Quick Finance*” at the Event not free of any prohibited substance, given that:

1. A post-race sample of urine was taken from “Quick Finance” at the Event (**the Sample**);
2. Meloxicam was detected in the Sample.

**Plea:** Guilty

**DECISION**

1. Mr James Theodotou is a registered greyhound trainer and the trainer of the greyhound “Quick Finance”. Quick Finance competed in race 10 at Geelong on 6 March 2020. A pre-race swab revealed the presence of Pholcodine.
2. Pholcodine is a prohibited substance. It is a therapeutic substance under the Greyhound Racing Victoria (“GRV”) penalty guidelines. It is found in cough suppressant medication, such as Duro-Tuss. It can affect the respiratory system of a greyhound. It acts as a mild sedative but has little analgesic (pain relief) affect. It is not performance enhancing, but can mask the signs of kennel cough and can place healthy greyhounds at risk of contracting kennel cough. It also delays recovery in greyhounds with productive coughs.
3. In a preliminary inquiry held by the Stewards, Mr Theodotou said he had used Duro-Tuss for his own cough and in the process used a spoon which he also used to mix the dog’s food in the dog’s bowl. He said the contamination was inadvertent. He also said that he bought special spoons for his greyhounds after learning of the positive swab.
4. Stewards of GRV have charged Mr Theodotou under Greyhound Australasia Rule (“GAR”) 83(2) with presenting a greyhound for an event while not being free of a prohibited substance. Mr Theodotou has pleaded guilty and has cooperated with the Stewards.
5. Mr Theodotou is a hobby trainer, who only had 2 greyhounds under his care at the time of the event at Geelong.
6. In setting a penalty in this matter we take into account general deterrence and the importance of keeping a level playing field by maintaining a drug free industry. We also take into account Mr Theodotou’s guilty plea, and cooperation with the Stewards, as well as recent penalties in like matters and Mr Theodotou’s good record in 5 years of training.
7. In all the circumstances, we impose a $1,000 fine, with $500 suspended pending no further breach of GAR 83(2) in the next 12 months. We note that the GRV’s penalty guidelines suggest a minimum penalty of $500 for an offence of this nature and a maximum of $2,000 with a disqualification of 12 months. We are informed of by those guidelines but not bound by them.
8. In addition, Quick Finance is disqualified from race 10 at Geelong on 6 March 2020.
9. On 23 April 2020, Mr Theodotou entered Quick Finance in race 5 at Warragul. A post-race sample showed the presence of Meloxicam and Pholcodine. Meloxicam is a prohibited substance. It is a therapeutic substance. It is an anti-inflammatory drug and is capable of having a positive effect on the performance of a greyhound.
10. Mr Theodotou has pleaded guilty to these charges under GAR 83(2). In setting a penalty, we take into account the same matters related to the first charge. Mr Theodotou blames ‘not fit for human consumption’ meat for the contamination. He has subsequently switched from feeding such meat.
11. It appears that the Pholcodine present, it appears, resulted from the same cause as in the first charge.
12. We intend to impose a penalty based alone on the positive swab of Meloxicam. Trainers should be aware of the risks involved in the feeding of knackery meat. Having regard primarily to general deterrence, we impose a penalty of $1,000, with $500 suspended for 12 months.
13. In addition, Quick Finance is disqualified from race 5 at Warragul on 23 April 2020.

Mark Howard  
Registrar, Victorian Racing Tribunal