22 December 2021

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**LAURIE CALLICK**

**Date of hearing:** 15 November 2021

**Panel:** Judge John Bowman (Chairperson) and Judge Marilyn Harbison.

**Appearances:** Mr Andrew Cusumano appeared on behalf of the Stewards.

Mr Scott Neaves represented Mr Laurie Callick.

Mr Laurie Callick attended the hearing.

**Charges:** Australian Harness Racing Rule (“AHRR”) 240(c) states:

 A person shall not, whether alone or in an association with others, do, permit or suffer anything before, during or after a race which in the opinion of the Stewards or Controlling Body: (c) is improper.

AHRR 216 states:

A person, whether alone or in association with others, shall not fraudulently or improperly nominate or start a horse in a race.

AHRR 245 states:

A person shall not direct, persuade, encourage or assist anyone to breach these rules or otherwise engage in an improper practice.

AHRR 193(3) states:

A person shall not administer or allow or cause to be administered any medication to a horse on race day prior to such horse running in a race.

AHRR 239A states:

A person whose conduct or negligence has led or could lead to a breach of the rules is guilty of an offence.

AHRR 190(1) states:

A horse shall be presented for a race free of prohibited substances.

AHRR 90A(2.9)(a) states:

The holder of a trainer’s licence shall ensure that all persons carrying out the activities of a stable hand are licenced as stable hands.

**Particulars of charges: Charge 1: AHRR 240(c)**

1. You were, at all relevant times, a licensed Grade A trainer and a person bound by the Australian Harness Racing Rules.
2. You were the registered trainer of the following standardbred horses between the dates specified:

a. “Bo Carson”: 30 October 2020 – 5 March 2021;

b. “Impetuoso”: 30 October 2020 – 5 March 2021;

c. “Killer Dragon”: 30 October 2020 – 5 March 2021;

d. “Mighty Carson”: 4 November 2020 – 5 March 2021;

e. “Tale Of The Dragon”: 30 October 2020 – 5 March 2021.

(collectively, the Horses).

1. On or about 4 November 2020, you became aware that you were listed as the registered trainer of the Horses.
2. Between on or about 4 November 2020 and 5 March 2021, you allowed the Horses to remain registered in your name as the trainer, when in reality and practice, Mark Callick was primarily responsible for training the Horses.
3. Between 8 November 2020 and 24 February 2021, the Horses were nominated for, and started, in the following races with you listed as the registered trainer:

a. Bo Carson: 13 November 2020; 19 November 2020; 2 December 2020; 9 December 2020; 18 December 2020; 28 December 2020; 12 January 2021; 26 January 2021; 2 February 2021; 16 February 2021.

b. Impetuoso: 2 December 2020; 28 December 2020; 5 January 2021; 26 January 2021; 2 February 2021; 16 February 2021; 24 February 2021.

c. Killer Dragon: 19 November 2020; 2 December 2020; 20 January 2021; 26 January 2021; 2 February 2021; 16 February 2021.

d. Mighty Carson: 9 December 2020; 24 February 2021.

e. Tale Of The Dragon: 20 January 2021; 26 January 2021; 2 February 2021; 16 February 2021; 24 February 2021.

1. By allowing the Horses to remain registered in your name between on or about 4 November 2020 and 5 March 2021 and race with you listed as the registered trainer when you were not the trainer in reality or practice, you caused or allowed Harness Racing Victoria and the betting public to be misled regarding the identity of the person primarily responsible for the training of the Horses and, in doing so, you did engage in improper conduct before the races identified in paragraph 5.

 **Charge 2: AHRR 216**

1. You were, at all relevant times, a licensed Grade A trainer and a person bound by the Australian Harness Racing Rules.
2. You were the registered trainer of the following standardbred horses between the dates specified:

a. “Bo Carson”: 30 October 2020 – 5 March 2021;

b. “Impetuoso”: 30 October 2020 – 5 March 2021;

c. “Killer Dragon”: 30 October 2020 – 5 March 2021;

d. “Mighty Carson”: 4 November 2020 – 5 March 2021;

e. “Tale Of The Dragon”: 30 October 2020 – 5 March 2021.

(collectively, the Horses).

1. On or about 4 November 2020, you became aware that you were listed as the registered trainer of the Horses.
2. Between on or about 4 November 2020 and 5 March 2021, you allowed or permitted the Horses to remain registered in your name as the trainer, when in reality and practice, Mark Callick was primarily responsible for training the Horses.
3. Between 8 November 2020 and 24 February 2021, you allowed the Horses to be nominated for, and start, in the following races with you listed as the registered trainer, despite knowing that Mark Callick was the trainer in reality and practice:

a. Bo Carson: 13 November 2020; 19 November 2020; 2 December 2020; 9 December 2020; 18 December 2020; 28 December 2020; 12 January 2021; 26 January 2021; 2 February 2021; 16 February 2021.

b. Impetuoso: 2 December 2020; 28 December 2020; 5 January 2021; 26 January 2021; 2 February 2021; 16 February 2021; 24 February 2021.

c. Killer Dragon: 19 November 2020; 2 December 2020; 20 January 2021; 26 January 2021; 2 February 2021; 16 February 2021.

d. Mighty Carson: 9 December 2020; 24 February 2021.

e. Tale Of The Dragon: 20 January 2021; 26 January 2021; 2 February 2021; 16 February 2021; 24 February 2021.

1. By allowing the Horses to be nominated for, and start, in the races identified in paragraph 5 with you listed as the registered trainer, you fraudulently or improperly nominated and started the Horses in those races in association with Mark Callick.

**Charge 3: AHRR 245**

1. You were, at all relevant times, a licensed Grade A trainer and a person bound by the Australian Harness Racing Rules.
2. You were the registered trainer of the following standardbred horses between the dates specified:

a. “Bo Carson”: 30 October 2020 – 5 March 2021;

b. “Impetuoso”: 30 October 2020 – 5 March 2021;

c. “Killer Dragon”: 30 October 2020 – 5 March 2021;

d. “Mighty Carson”: 4 November 2020 – 5 March 2021;

e. “Tale Of The Dragon”: 30 October 2020 – 5 March 2021.

(collectively, the Horses).

1. On or about 4 November 2020, you became aware that you were listed as the registered trainer of the Horses.
2. You were aware, at all relevant times, that Mark Callick was not licensed as a trainer or stablehand.
3. Between on or about 4 November 2020 and 5 March 2021, you allowed the Horses to remain registered in your name as the trainer to enable Mark Callick to train and nominate the Horses to race and, in doing so, you assisted Mark Callick to breach the Australian Harness Racing Rules.

**Charge 4: AHRR 193(3)**

1. You were, at all relevant times, a licensed Grade A trainer and a person bound by the Australian Harness Racing Rules.
2. You were, at all relevant times, the registered trainer of the horse “Tale Of The Dragon” and were responsible for the care, control and supervision of that horse.
3. Tale Of The Dragon was nominated to compete in Race 2, “The Gateway Pace” at the Mildura harness racing meeting on 5 March 2021 (the Race).
4. You were aware, at all relevant times, that Mark Callick and Joshua Masierowski did not hold a trainer’s licence or stablehand licence.
5. On 5 March 2021, Mark Callick and Joshua Masierowski administered a medication to Tale Of The Dragon on race day prior to that horse running in the Race.
6. By failing to exercise sufficient care, control and supervision of Tale Of The Dragon on 5 March 2021, you allowed Tale Of The Dragon to be administered a medication on race day prior to that horse running in the Race.

**Charge 5: AHRR 193(3)**

1. You were, at all relevant times, a licensed Grade A trainer and a person bound by the Australian Harness Racing Rules.
2. You were, at all relevant times, the registered trainer of the horse “Impetuoso” and were responsible for the care, control and supervision of that horse.
3. Impetuoso was nominated to compete in Race 6, the “Gannon’s Harness Racing Colours Pace” at the Mildura harness racing meeting on 5 March 2021 (the Race).
4. You were aware, at all relevant times, that Mark Callick and Joshua Masierowski did not hold a trainer’s licence or stable hand licence.
5. On 5 March 2021, Mark Callick and Joshua Masierowski administered a medication to Impetuoso on race day prior to that horse running in the Race.
6. By failing to exercise sufficient care, control and supervision of Impetuoso on 5 March 2021, you allowed Impetuoso to be administered a medication on race day prior to that horse running in the Race.

**Charge 6: AHRR 239A**

1. You were, at all relevant times, a licensed Grade A trainer and a person bound by the Australian Harness Racing Rules.
2. You were, at all relevant times, the registered trainer of the horse “Tale Of The Dragon” and were responsible for the care, control and supervision of that horse.
3. Tale Of The Dragon was nominated to compete in Race 2, ‘The Gateway Pace’ at the Mildura harness racing meeting on 5 March 2021 (the Race).
4. You were aware, at all relevant times, that Mark Callick did not hold a trainer’s licence or stable hand licence.
5. On 5 March 2021, Mark Callick and Joshua Masierowski administered a treatment to Tale Of The Dragon on race day prior to that horse running in the Race in breach of the Australian Harness Racing Rules.
6. Your negligence, in failing to exercise sufficient care, control and supervision of Tale Of The Dragon on 5 March 2021, led to a breach of the Australian Harness Racing Rules.

 **Charge 7: AHRR 239A**

1. You were, at all relevant times, a licensed Grade A trainer and a person bound by the Australian Harness Racing Rules.
2. You were, at all relevant times, the registered trainer of the horse “Impetuoso” and were responsible for the care, control and supervision of that horse.
3. Impetuoso was nominated to compete in Race 6, the “Gannon’s Harness Racing Colours Pace” at the Mildura harness racing meeting on 5 March 2021 (the Race).
4. You were aware, at all relevant times, that Mark Callick did not hold a trainer’s licence or stable hand licence.
5. On 5 March 2021, Mark Callick and Joshua Masierowski administered a treatment to Impetuoso on race day prior to that horse running in the Race in breach of the Australian Harness Racing Rules.
6. Your negligence, in failing to exercise sufficient care, control and supervision of ‘Impetuoso’ on 5 March 2021, led to a breach of the Australian Harness Racing Rules.

**Charge 8: AHRR 190(1)**

1. You were, at all relevant times, the trainer of horse “Bo Carson”.
2. On 26 January 2021, Bo Carson was presented to race at the Mildura harness racing meeting in Race 1, “The Euston Club Pace”.
3. After this race, a urine sample was collected from Bo Carson with subsequent analysis of that sample revealing a cobalt concentration in excess of the allowable threshold.
4. As the trainer of Bo Carson on 26 January 2021, the horse was presented to race at the Mildura harness racing meeting not free of cobalt, a prohibited substance when present at a concentration in excess of the allowable threshold.

**Charge 9: AHRR 90A(2.9)(a)**

1. You were, at all relevant times, a Grade A trainer and responsible for the administration, conduct, care, control and supervision of the horses at your registered training establishment in Irymple, Victoria.
2. You were aware, at all relevant times, that Mark Callick was not licensed as a stable hand.
3. You were aware that between on or about 4 November 2020 and 5 March 2021, Mark Callick was carrying out the activities of a stable hand with respect to horses for which you were the registered trainer.
4. Between on or about 4 November 2020 and 5 March 2021, you failed to ensure that all persons carrying out the activities of a stable hand were licensed as stable hands.

**Charge 10:** **AHRR 90A(2.9)(a)**

1. You were, at all relevant times, a Grade A trainer and responsible for the administration, conduct, care, control and supervision of the horses at your registered training establishment in Irymple, Victoria.
2. At all relevant times, Joshua Masierowski and Ruby Gleeson were not licensed as stable hands.
3. You were aware that between on or about 22 January 2021 and 5 March 2021, Joshua Masierowski and Ruby Gleeson were carrying out the activities of a stable hand with respect to horses for which you were the registered trainer.
4. Between on or about 22 January 2021 and 5 March 2021, you failed to ensure that all persons carrying out the activities of a stable hand were licensed as stable hands.

**Plea:** Guilty to Charges 1, 6, 7, 8, 9 and 10

 Charges 2, 3, 4 and 5 withdrawn by the Stewards

**DECISION**

Mr Laurie Callick, you have been charged with a total of ten charges. Four have been withdrawn. You have pleaded guilty to the remaining six. Two of these are of greater gravity than the remainder. We shall deal with them firstly. We would also suggest that this decision be read in conjunction with that in the case of your son, Mr Mark Callick. The factual background is very similar.

**Charge 1: AHRR 240(c)**

The most serious offence is that which is the subject of Charge 1. It involves five breaches of Australian Harness Racing Rule (“AHRR”) 240(c). That Rule, in essence, prohibits behaviour before, during or after a race which is improper. It concerns the same five horses, and the same dates and races as in Charge 1 against Mr Mark Callick. The impropriety is that you allowed the horses to be registered and race with you listed as the trainer, whereas in fact your son was the trainer in reality and practice.

**Charge 8: AHRR 190(1)**

Charge 8 relates to a breach of AHRR 190(1). The breach is based upon the same factual context as Charge 7 against Mr Mark Callick. It concerns “Bo Carson” being presented to race at Mildura when not free of the prohibited substance, cobalt. You may not have been the person in charge of the horse on that occasion, but you were the registered trainer. Ultimate responsibility rested with you. We do acknowledge that this offence arose out of the same factual context as Charge 1 against you. However, as you were the registered trainer and were well aware that your son actually trained the horse, some responsibility for what occurred rests with you.

We shall deal now with the penalties in relation to these two more serious offences. They are offences that have the potential to damage the image of the industry. They can also damage the confidence of the betting and the general public. You have participated in conduct which could be seen as fraudulent.

We also take into account your age, your record, your health and your pleas of guilty.

On Charge 1, you are suspended for a period of nine months. The commencement of that suspension is backdated to 5 March 2021.

On Charge 8, you are also suspended for a period of nine months. Six months of that is in turn suspended for a period of 24 months. If you breach the relevant Rule during that period, the six months suspension will be activated. The remaining three months suspension is ordered to be served concurrently with the penalty on Charge 1. Further, “Bo Carson” is disqualified from Race 1 at Mildura on 26 January 2021 and the finishing order is amended accordingly.

We turn now to Charges 6, 7, 9 and 10. We agree with the stewards that, in each instance, a fine is appropriate.

Charge 6 is a breach of AHRR 239A. Your negligence led to a breach of the AHRR, being the administration of treatment to “Tale Of The Dragon” on race day (5 March 2021) by unlicensed persons Mr Mark Callick and Mr Joshua Masierowski. On that Charge, you are fined the sum of $250.

Charge 7 is similar to Charge 6, save that the horse was “Impetuoso”. The administration occurred on the same day. The fine is again $250.

Charge 9 involves a breach of AHRR 90A(2.9)(a). This relates to your failure to ensure that all persons carrying out stable hands’ duties during the relevant period were licensed so to do. It specifically names Mr Mark Callick. This is a more serious offence than Charges 6 and 7, and the fine is fixed at $300.

Charge 10 is similar to Charge 9, but the person involved was Mr Joshua Masierowski. The Stewards have recommended a fine of $200 and we agree that this is appropriate.

Thus, the total financial penalty is $1,000. The periods of suspension, both immediate and suspended, have been set out above.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal