22 December 2021

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**LUCKIE KARABITSAKOS**

**Date of hearing:** 10 December 2021

**Panel:** Judge John Bowman (Chairperson), Justice Shane Marshall (Deputy Chairperson) and Judge Kathryn Kings.

**Appearances:** Ms Sharn Coombes, instructed by Mr Marwan El-Asmar, appeared on behalf of the Stewards.

Mr Lynton Hogan represented Mr Luckie Karabitsakos.

Mr Luckie Karabitsakos, Mr Anthony Pearce and Mr Joshua Goldenberg attended the hearing.

**Charges:** Greyhounds Australasia Rule (“GAR”) 86(h)(i) states:

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

(h) prevents, attempts to prevent, interferes with or attempts to interfere with the carrying out of any identification, examination, test, autopsy, analysis, inquiry or investigation pursuant to these Rules;

(i) for the avoidance of doubt a test includes, but is not limited to, the collection of a sample pursuant to Rule 80.

GAR 86(f)(i) states:

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

(f) engages in, publishes or causes to be published, broadcasts or causes to be broadcast, the use of any contemptuous, unseemly, improper, insulting, or offensive language, conduct or behaviour in any manner or form towards, or in relation to-

(i) a Steward.

GAR 79A(7) states:

If any substance or preparation that could give rise to an offence under this rule if administered to a greyhound at any time is found at any time at any premises used in relation to the training or racing of greyhounds then any registered person who owns, trains or races or is in charge of greyhounds at those premises is deemed to have the substance or preparation in their possession and such person shall be guilty of an offence and liable to penalty.

GAR 86(p) states:

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

(p) disobeys or fails to comply with the lawful order of a Steward or other person or body having official duties in relation to greyhound racing.

GAR 86(o) states:

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

(o) has in relation to a greyhound or greyhound racing, done a thing, which, in the opinion of the Stewards or the Controlling Body is improper and constitutes misconduct.

**Particulars of charges: Charge 1: GAR 86(h)(i)**

1. You were, at all relevant times, a public trainer registered with Greyhound Racing Victoria (“GRV”) (Member No. 243118) and a person bound by the Greyhounds Australasia Rules (“GAR”) and Local Racing Rules (“LR”).
2. On 12 August 2021, Greyhound Racing Integrity Unit (“GRIU”) Race Stewards were conducting urine swab collection testing from greyhounds at the Cranbourne Greyhound Racing Club.
3. On 12 August 2021, you attended the Cranbourne Greyhound Racing Club with two (2) GRV registered unnamed greyhounds. You were advised by GRIU Stewards that a urine sample from one (1) of the unnamed greyhounds will be collected.
4. You became agitated and swore at GRIU Stewards, returned to your vehicle, and drove off from the Cranbourne Greyhound Racing Club, in doing so prevented GRIU Stewards from collecting a urine sample from either of the two (2) unnamed greyhounds.

 **Charge 2: GAR 86(f)(i)**

1. You were, at all relevant times, a public trainer registered with Greyhound Racing Victoria (“GRV”) (Member No. 243118) and a person bound by the Greyhounds Australasia Rules (“GAR”) and Local Racing Rules (“LR”).
2. On 12 August 2021, you attended the Cranbourne Greyhound Racing Club with two (2) GRV registered unnamed greyhounds.
3. On 12 August 2021, Greyhound Racing Integrity Unit (“GRIU”) Stewards engaged in a discussion with you in the carpark of the Cranbourne Greyhound Racing Club in relation to attempting to collect a urine sample from one (1) of the unnamed greyhounds.
4. During the discussion with GRIU Stewards, you engaged in improper, insulting and offensive language towards GRIU Stewards, in that you stated:
5. “This is fucking bullshit”.
6. “They are fucking twelve (12) month old pups”.
7. “You are being fucking stupid”.
8. “I don’t care if I lose my licence over this shit”.

**Charge 3: GAR 86(h)(i)**

1. You were, at all relevant times, a public trainer registered with Greyhound Racing Victoria (“GRV”) (Member No. 243118) and a person bound by the Greyhounds Australasia Rules (“GAR”) and Local Racing Rules (“LR”).
2. On 14 August 2021, Greyhound Racing Integrity Unit (“GRIU”) Stewards and Investigative Stewards attended your registered kennel address in Pearcedale, Victoria to conduct a property inspection and obtain Out of Competition (“OOCT”) swabs.
3. During the course of the property inspection, you became agitated and abusive towards GRIU Stewards and Investigative Stewards, where you stated:
4. “Fuck. I’m telling you now, get the fuck out of here”.
5. “I just want you to get your shit and disappear now. Fuck”.
6. As a result of your behaviour and your continued requests to get off your property, the Stewards left your premises.
7. You prevented the GRV stewards from collecting urine samples pursuant to these rules.

**Charge 4: GAR 86(f)(i)**

1. You were, at all relevant times, a public trainer registered with Greyhound Racing Victoria (“GRV”) (Member No. 243118) and a person bound by the Greyhounds Australasia Rules (“GAR”) and Local Racing Rules (“LR”).
2. On 14 August 2021, Greyhound Racing Integrity Unit (“GRIU”) Stewards and Investigative Stewards attended your registered kennel address in Pearcedale, Victoria to conduct a property inspection and obtain Out of Competition (“OOCT”) swabs.
3. On 14 August 2021, during the property inspection, you engaged in improper, insulting and offensive language towards GRIU Stewards, in that you stated:
4. “Fuck. I’m telling you now, get the fuck out of here”.
5. “I just want you to get your shit and disappear now. Fuck.”

**Charge 5: GAR 79A(7)**

1. You were, at all relevant times, a public trainer registered with Greyhound Racing Victoria (“GRV”) (Member No. 243118) and a person bound by the Greyhounds Australasia Rules (“GAR”) and Local Racing Rules (“LR”).
2. On 14 August 2021, Greyhound Racing Integrity Unit (“GRIU”) Stewards and Investigative Stewards attended your registered kennel address in Pearcedale, Victoria to conduct a property inspection and conduct Out of Competition (“OOCT”) swabs.
3. On 14 August 2021 during the property inspection, GRIU Investigative Stewards located and photographed a Permanently Banned Prohibited Substance, namely Cannabis, inside a clear plastic bag within a draw to a bench that was located inside your kennel area. This bench had a number of greyhound food bowls containing food in it at the time.
4. On 19 August 2021, during an inquiry you identified the contents of the bag by stating:

*Chairman: “Located in this photo in the bottom right-hand corner on display here or the bottom left-hand corner for your view is there a clear plastic bag containing green material which you have already identified on Saturday to me”?*

*Mr Karabitsakos: “Yes”.*

*Chairman: “Can you explain to me what that is”?*

*Mr Karabitsakos: “That is a prescribed medicine for my brother-in-law”.*

*Chairman: “So what is it”?*

*Mr Karabitsakos: “Cannabis”.*

**Charge 6: GAR 86(p)**

1. You were, at all relevant times, a public trainer registered with Greyhound Racing Victoria (“GRV”) (Member No. 243118) and a person bound by the Greyhounds Australasia Rules (“GAR”) and Local Racing Rules (“LR”).
2. On 14 August 2021, Greyhound Racing Integrity Unit (“GRIU”) Stewards and Investigative Stewards attended your registered kennel address in Pearcedale, Victoria to conduct a property inspection and conduct Out of Competition (“OOCT”) swabs.
3. On 14 August 2021 during the property inspection, GRIU Investigative Stewards issued you a verbal Lawful Direction to produce the Permanently Banned Prohibited Substance, namely Cannabis.
4. On 14 August 2021, you failed to comply with the lawful direction and stated:

*Chairman: “The second thing is I need to give you a lawful direction. What's the current time, 1336”.*

*Mr Karabitsakos: “Mm, mm”.*

*Chairman: “To produce the marijuana (Cannabis) that I saw for inspection”.*

*Mr Karabitsakos: “It's not - - no it's gone. It's flushed down the toilet, it's gone.”*

 **Charge 7: GAR 86(o)**

1. You were, at all relevant times, a public trainer registered with Greyhound Racing Victoria (“GRV”) (Member No. 243118) and a person bound by the Greyhounds Australasia Rules (“GAR”) and Local Racing Rules (“LR”).
2. On 14 August 2021, Greyhound Racing Integrity Unit (“GRIU”) Stewards and Investigative Stewards attended your registered kennel address in Pearcedale, Victoria to conduct a property inspection and conduct Out of Competition (“OOCT”) swabs.
3. On 14 August 2021 during the property inspection, GRIU Investigative Stewards located a Permanently Banned Prohibited Substance, namely Cannabis, inside a clear plastic bag within a draw that was located inside your kennel area that was removed during the property inspection without the knowledge of the GRIU Investigative Steward.
4. On 14 August 2021, during an inquiry at your registered kennel address, your partner, Ms Josephine Lardieri admitted to removing and allegedly disposing of the Permanently Banned Prohibited Substance, namely Cannabis, from your kennel area.
5. On 19 August 2021, during the inquiry held with you, you admitted to instructing Ms Lardieri to dispose of the Permanently Banned Prohibited Substance, namely Cannabis, and stated during the inquiry:

*Mr Karabitsakos: “ I told her to go and throw it out”.*

In the opinion of the stewards, you have, in relation to greyhound racing, engaged in conduct which was improper and constitutes misconduct.

**Plea:** Guilty to Charges 1, 2 and 5

 Charges 3, 4, 6 and 7 withdrawn by the Stewards

**DECISION**

1. Mr Luckie Karabitsakos is a registered greyhound trainer whose registration was suspended by Stewards of Greyhound Racing Victoria (“GRV”) as a consequence of an inquiry which led to the laying of charges against him. The suspension has been in place since 23 August 2021.
2. Mr Karabitsakos has pleaded guilty to three charges laid against him under the Greyhounds Australasia Rules (“GAR”). This decision deals with the penalties to be imposed for breach of those Rules.
3. One charge was laid under GAR 86(h). That sub-rule prohibits, amongst other things, a person from preventing Stewards from carrying out a test. On 12 August 2021, Mr Karabitsakos took two 12 month old pups to a Cranbourne trial meeting to familiarise them with the race day environment. On entering the course area at the Cranbourne track, Mr Karabitsakos was directed by Stewards to make one of the pups available for a urine test. Mr Karabitsakos left the premises of the Cranbourne track in his car with the pups and did not allow the Stewards to test one of them.
4. Mr Karabitsakos now concedes that the Stewards were entitled to ask for a test and that he was obliged to comply. However, at the time, he was annoyed that a pup was sought to be tested when it was not at the track to race and may have been adversely affected by the experience.
5. In setting a penalty on this charge, we take into account general deterrence and the importance of integrity in the sport, as well as the importance of registered participants complying with lawful demands of Stewards and recent penalties in like matters. We further take into account the good record of Mr Karabitsakos, as well as his remorse expressed shortly after the incident. He returned to Cranbourne about an hour after the incident and apologised for his poor behaviour. On this charge we impose a period of four months disqualification.
6. The second charge faced by Mr Karabitsakos concerns a breach of GAR 86(f) which, amongst other things, prohibits the use of insulting language towards Stewards. When asked to produce a pup for a urine test, Mr Karabitsakos responded by abusing the Stewards, saying that this request was “fucking bullshit” and “fucking ridiculous”. He also said the Stewards were “fucking stupid”.
7. On the scale of matters of this sort, the offending language was on the lower side of transgressions. There was no threat to the safety of any Steward or public threats against Stewards.
8. As is also relevant to the first charge, we note that Mr Karabitsakos was remorseful to the Stewards about an hour after using that language.
9. In our view, the nature of the offending language and the context in which it occurred showed a spontaneous response to a request which was not a calculated attempt to belittle Stewards. In all the circumstances, we consider that the offending conduct is deserving of a fine only. As an independent charge, we would ordinarily impose a fine in the vicinity of $1,500. However, given that the conduct arose out of the same course of conduct as Charge 1, we impose a fine of $1,500 and fully suspend that fine for a period of 24 months, pending no further breach of GAR 86(f).

1. The final charge is one under GAR 79A(7), which prohibits certain substances being found on training premises. In this case, Stewards found cannabis in Mr Karabitsakos’ kennels. Mr Karabitsakos did not know that the cannabis was on his premises. It belonged to his partner’s brother, who had left it there without telling Mr Karabitsakos. It is also important that no testing of Mr Karabitsakos’ dogs has been found to show cannabis in a swab.
2. On the final charge we impose a penalty of two months suspension, fully suspended for a period of 24 months, pending no further breach of GAR 79A(7).
3. We reiterate that in setting all of the above penalties we have taken into account Mr Karabitsakos’ good, relevant record over his ten years of training. We have further taken into account the guilty pleas in respect of each charge. The total effective penalty is a period of four months disqualification, commencing from 23 August 2021.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal