3 November 2021

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**SARGON KANDO**

 **Dates of hearing:** 22 October 2021

**Panel:** Justice Shane Marshall (Deputy Chairperson) and Ms Amanda Dickens.

**Appearances:** Mr Anthony Pearce, instructed by Mr Marwan El-Asmar, appeared on behalf of the Stewards.

Mr Sargon Kando represented himself.

**Charges:** Greyhounds Australasia Rule (“GAR”) 83(1A) states:

(1A) A person who –

(a) administers, attempts to administer or causes to be administered a prohibited substance to a greyhound;

(b) aids, abets counsels or procures any person to administer a prohibited substance to a greyhound; or

(c) has prior knowledge of a prohibited substance being administered to a greyhound

which is detected in any sample taken from such greyhound that has been presented for an Event or when subject to any other contingency provided for pursuant to these Rules, shall be guilty of an offence.

GAR 83(2) states:

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

(a) nominated to compete in an Event;

(b) presented for a satisfactory, weight or whelping trial or such other trial as provided for pursuant to these Rules; or

(c) 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.

GAR 84A(1) states:

(1) The person in charge of a greyhound must keep and retain records detailing all vaccinations, antiparasitics and medical treatments administered to a greyhound from the time the

greyhound enters their care until the greyhound leaves their care and for a minimum of two (2) years. Such record of treatment must be produced for inspection when requested by a Steward or a person authorised by the Controlling Body. Any person responsible for a greyhound at the relevant time who fails to comply with any provision of this rule shall be

guilty of an offence.

**Particulars of charges: Charge 1: GAR 83(1A)**

1. You are, and were at all relevant times, a trainer licensed by Greyhound Racing Victoria (“GRV”) and a person bound by the Greyhound Australasia Rules (“GAR”).
2. You were, at all relevant times, the trainer of the greyhound “Ziems Park Girl”.
3. Ziems Park Girl was presented for, and competed in, Race 2, Hip Pocket Bendigo HT2, Maiden Heat, conducted by the Bendigo Greyhound Racing Association at Bendigo on 5 February 2021 (the Event).
4. You administered, or caused to be administered, to Ziems Park Girl, a prohibited substance, being 17-Methylmorphanin-3-ol, which was detected in a sample taken from Ziems Park Girl in that:

(a) Prior to 5 February 2021, you administered a product containing 17- Methylmorphanin-3-ol, namely “Bisolvon” liquid cough mixture, to Ziems Park Girl;

(b) A pre-race sample of urine was taken from Ziems Park Girl at the Event (the Sample);

(c) 17-Methylmorphanin-3-ol was detected in the Sample.

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

1. You are, and were at all relevant times, a trainer licensed by Greyhound Racing Victoria (“GRV”) and a person bound by the Greyhounds Australasia Rules (“GAR”).
2. You were at all relevant times the trainer of the greyhound “Ziems Park Girl”.
3. Ziems Park Girl was nominated to compete in, Race 2, Hip Pocket Bendigo HT2, Maiden Heat, conducted by the Bendigo Greyhound Racing Association at Bendigo on 5 February 2021 (the Event).
4. On 5 February 2021, you presented Ziems Park Girl at the Event not free of any prohibited substance, given that:

(a) A pre-race sample of urine was taken from Ziems Park Girl at the Event (the Sample);

(b) 17-Methylmorphanin-3-ol was detected in the Sample.

**Charge 3: GAR 84A(1)**

1. You are, and were at all relevant times, a trainer licensed by Greyhound Racing Victoria (“GRV”) and a person bound by the Greyhounds Australasia Rules (“GAR”).
2. You were at all relevant times the Trainer of the greyhound “Ziems Park Girl”.
3. Prior to 5 February 2021, you administered a treatment, namely the liquid oral substance “Bisolvon” to Ziems Park Girl (the Treatment).
4. The Treatment was not recorded in your treatment records when produced to GRV Senior Steward Mr Anthony Pearce, upon his request.

**Pleas:** Guilty to all charges.

**DECISION**

1. Mr Sargon Kando is a registered greyhound trainer and, at all material times, was the trainer of the greyhound “Ziems Park Girl”. The greyhound raced at Bendigo on 5 February 2021 in Race 2 and won the event. A pre-race urine sample taken from the greyhound showed the presence of a metabolite of dextromethorphan. That is a prohibited substance, which is found in liquid cough mixture.
2. Dextromethorphan is capable of affecting the condition, behaviour and performance of a greyhound and administration of it could mask the signs of kennel cough. In a preliminary inquiry held by the Stewards, Mr Kando admitted to giving his greyhounds cough mixture when they had kennel cough up to two days before an event. This appears to have been designed specifically to mask the signs of kennel cough. This is a practice which is potentially dangerous to other greyhounds, as kennel cough is easily transmissible.
3. Mr Kando has pleaded guilty to an administration charge, a presentation charge and a charge of failing to record the giving of the cough mixture in a treatment book. Mr Kando pleaded guilty at the earliest opportunity. He has been a trainer for a long time, with a good record. He appears to have been unaware of the danger of administering liquid cough mixture to greyhounds and made an honest mistake.
4. In setting a penalty, we take into account general deterrence, the importance of keeping a level playing field by having a drug free industry and animal welfare considerations. We also take into account Mr Kando’s early guilty plea and cooperation with the Stewards.
5. On the administration charge under Greyhounds Australasia Rule (“GAR”) 83(1A), we impose a $1,000 fine. On the presentation charge under GAR 83(2), we impose a $500 fine, wholly concurrent with the fine imposed on the charge under GAR 83(1A), as it arose out of the same substratum of facts. On the charge under GAR 84A(1), we impose a $300 fine. The total fine is $1,300.
6. In addition, Ziems Park Girl is disqualified from Race 2 at Bendigo on 5 February 2021 and Race 2 at Bendigo on 12 February 2021. The latter race was a final relevant to the earlier race.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal