13 November 2019

**DECISION**

**RACING VICTORIA**

**and**

**MR STAN TSAIKOS**

**Date of hearing:** 13 November 2019

**Panel:** Judge John Bowman (Chairperson) and Ms Maree Payne

**Appearances:** Mr Sam Cochrane appeared on behalf of the Stewards.

 Mr Matthew Hyland appeared on behalf of Mr Tsaikos.

**Charge:** Australian Rule 131(b) fail to ride his or her horse out to the end of the race and/or approaching the end of the race.

**Particulars of charge:** Stan Tsaikos was found guilty of a charge under the provisions of AR131(b) in that he failed to ride his mount out for the final two strides of the event. Stan Tsaikos was fined the sum of $500. In assessing penalty Stewards took into account his record and his actions may have affected the result of the race.

**Plea:** Not Guilty

**DECISION**

Mr Stan Tsaikos, you have pleaded “Not Guilty” to a breach of AR131(b). It is alleged that in race 6 at Swan Hill on 29 October 2019 you failed to ride out your mount, Fourdays of Mylife, to the end of the race and/or approaching the end of the race. Your horse finished fifth, beaten a half head for fourth. The Stewards are not asserting that you would have definitely run fourth. The Stewards found that the breach of the Rule occurred and fined you the sum of $500. As indicated, you are appealing from that decision and pleading “Not Guilty” to the offence.

We have viewed the video many times. We understand that there was other video material – Hawkeye – that was made available and shown at the original Stewards enquiry, but could not be shown here. The video that was shown to us has clearly been taken from a position past the winning post and that does not make it easy to line things up. That is of some significance in relation to the allegation of the Stewards that you breached the Rule in the last 1 ½ - 2 strides. Previously you had been using the whip.

We are not satisfied that, on the basis of the available material, the charge has been made out. You had displayed vigour. You put the whip away close to the line. At all times you have denied breaching the Rule.

The bottom line is this. We appreciate that we did not have the Hawkeye video available before us, although it was used at the Stewards enquiry. On the basis of the material before us we cannot be satisfied that there has been a breach of AR131(b). We cannot be comfortably satisfied that you failed to ride out your mount to the end of the race, or approaching the end of the race.

The appeal is upheld and the charge dismissed.

Mark Howard
Registrar, Victorian Racing Tribunal