2 October 2019

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**MR VINCE TULLIO**

**Date of hearing:** 1 October 2019

**Panel:** Judge John Bowman (Chairperson), Magistrate John Doherty and Ms. Maree Payne.

**Appearances:** Mr Marwan El-Asmar appeared on behalf of the Stewards.

Mr Vince Tullio represented himself.

**Charge:** Greyhounds Australasia Rule 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 charges:** On 13 March 2019, you presented ‘Shining’ at the Event not free of any prohibited substance, given that:

1. A pre-race sample of urine was taken from ‘Shining’ at the Event (**the Sample**); and
2. Caffeine and Theobromine were detected in the Sample.

**Plea:** Guilty

**DECISION**

Mr Vince Tullio, you have pleaded “guilty” to a breach of GAR 83(2). Such a breach is classified as a serious offence. This is a case involving Caffeine and Theobromine. The charge is that a post-race blood sample taken from “Shining”, owned and trained by you, after race 9 at The Meadows on 13 March 2019 proved positive to those substances. Shining won the race, starting at $4.70.

We have taken into account what has been said by the Stewards and what you have told us. We accept, as did the Stewards, that this was a case of accidental contamination, probably resulting from your 18 month old daughter feeding the dog a piece of chocolate. Both substances involved are contained in chocolate and they can either enhance performance or have a negative effect, depending on the amount of the substance involved.

Great care must be taken in relation to a dog that is going to race. General deterrence is a very important factor. The public is entitled to expect a level playing field and a drug free industry. These are very important considerations. As stated, we accept that what occurred was accidental.

You own a very large number of dogs. All except four, which you train yourself out of interest, are trained principally by another trainer at your Pearcedale property. You live at Taylors Lakes and keep four dogs there. These include Shining. You also own a substantial plumbing business, although your direct participation in this is very limited. You credit your greyhound involvement as playing a large role in enabling you to lead a more balanced life and assist you in relaxing and the like.

You have no relevant prior convictions. You have co-operated fully with the Stewards. However, as stated, we also have to take into account the gravity of the offence and the concept of general deterrence.

We also take into account penalties that have been imposed in similar cases, and particular the case of Peter Stefanos [25 May 2018], which has a number of markedly similarities.

On balance, we are of the view that some period of suspension is warranted, part of which is to be suspended. The period of suspension imposed is 2 months, 1 month of which is to be served immediately and the other month is suspended for 12 months pending no further breach GAR 83(2). We are also of the view that a fine should be imposed, and we fix that at $750.

Further, we disqualify Shining from race 9 at The Meadows on 13 March 2019 and the finishing order is to be amended accordingly. Given that this involves a refund of $3,020, we also bear that in mind.

Mark Howard
Registrar, Victorian Racing Tribunal