26 August 2021

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**VINCE TULLIO**

**Date of hearing:** 9 March 2021

**Panel:** Judge John Bowman (Chairperson),Justice Shane Marshall (Deputy Chairperson) and Dr June Smith.

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

Mr Lynton Hogan appeared on behalf of Mr Tullio.

Mr Cameron Day appeared as a witness.

Mr David Leech appeared as a witness.

Mr Simon McLean appeared as a witness.

Mr Peter Ryan appeared as a witness.

Mr Vince Tullio appeared as a witness.

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

(d) being an owner, trainer, attendant or person having official duties in relation to greyhound racing, makes a false or misleading statement in relation to an investigation, examination, test or inquiry, or makes or causes to be made a falsification in a document in connection with greyhound racing or the registration of a greyhound;

GAR 86(o) states:

(o) has, in relation to a greyhound or greyhound racing, done a thing, or omitted to do a thing, which, in the opinion of the Stewards or the Controlling Body, as the case may be, is negligent, dishonest, corrupt, fraudulent or improper, or constitutes misconduct;

**Particulars of charges: Charge 1**

1. You were at all relevant times, a trainer registered with GRV (Member No. 219629) and a person bound by the GRV Rules of Racing, including the Greyhounds Australasia Rules and local racing rules.
2. On Friday the 2nd of November 2018, Mr Cameron DAY and Mr Shane BETTESS **(GRV Stewards)** opened an official inquiry with you regarding the bone fides of race one (1) at Geelong “Come and Join Bingo @ Beckley Each”.
3. During this inquiry, you made a false statement to the Stewards in that you stated that you only bet with ‘Sportsbet’ and that you did not place any single out bets on race one (1) at Geelong on Friday the 2nd of November 2018.
4. You had placed fifteen individual bets on the greyhound ‘Shining’ on the 1st of November 2018 being the race, totalling $,1599.80 using your ‘Bet 365’ account.

**Charge 2**

1. You were at all relevant times, a trainer registered with GRV (Member No. 219629) and a person bound by the GRV Rules of Racing, including the Greyhounds Australasia Rules and local racing rules.
2. On Friday the 2nd of November 2018 you had three greyhounds nominated to race in race one (1) at Geelong, ‘Come and Join Bingo @ Beckley Each.’
3. At approximately 4.21 P.M. on Thursday the 1st of November 2018 you scratched the greyhound ‘Shining’ from race one (1) due to illness.
4. Between 8.28 P.M. and 10.36 P.M. on Thursday the 1st of November 2018 you placed fifteen (15) individual fixed win bets on ‘Shining’ using your ‘Bet 365’ account after you had scratched the greyhound.
5. You have done a thing which in the opinion of the Stewards as the case may be, is negligent, dishonest, corrupt, fraudulent or improper, or constitutes misconduct;

**Plea:** Not Guilty

**DECISION**

1. Mr Vince Tullio is a registered public breeder and trainer of greyhounds. He has been charged by Stewards of Greyhound Racing Victoria (“GRV”) with two offences.
2. The first charge is under Greyhounds Australasia Rules (“GAR”) 86(o). Stewards allege that Mr Tullio has engaged in conduct which is dishonest, improper or constitutes misconduct.
3. The second charge is under GAR 86(d). Stewards allege that Mr Tullio made false statements to Stewards in an inquiry.

The charge under GAR 86(o)

1. Race 1 at Geelong on 2 November 2018 was a 400 metre maiden event with first prize stake money of $1,325. It was won by a Vince Tullio trained greyhound called Immediate at a starting price of $1.60. The race started at 7.09pm.
2. There were 7 final acceptances for the race. Only 5 greyhounds ultimately competed in the race. Seducing and Shining, both trained by Mr Tullio, were scratched by him. Both were found to have diarrhea.
3. On 1 November at 4.21pm, Mr Tullio scratched Shining from the race. Between 8.28pm and 10.36pm, Mr Tullio placed 15 individual fixed win bets on Shining using a Bet365 account. $1,594.80 in total was bet on Shining by Mr Tullio.
4. When Mr Tullio placed those bets, he was at his local cricket club attending a poker night. Although Shining had been scratched earlier in the day, that information had not been conveyed to betting agencies later that day when Mr Tullio had his 15 bets.
5. Mr Tullio gave evidence that, when he placed the 15 bets on Shining, he thought that he was betting on Seducing, rather than on a scratched greyhound. He said that he confused Seducing with Shining. He said that Bet365 would not take a single bet for $1,500 and so he made a bet 15 times. He said that he used his Bet365 account rather than his SportsBet account because it was not possible to bet fixed odds on a greyhound on SportsBet on the day before a race.
6. Mr Tullio said that, after the last of the 15 bets, he realised that he had bet on the wrong greyhound. A long term friend of Mr Tullio’s, Mr Ryan, was present with Mr Tullio at the poker night. Mr Ryan gave evidence that Mr Tullio told him after he placed 15 bets on Shining that he was “an idiot” for doing so.
7. The bets on Shining had the effect of increasing the odds for Seducing and Immediate, but no bets were placed on those greyhounds by Mr Tullio that evening.
8. On 2 November 2018, between 8.58am and 9.12am Mr Tullio placed 3 bets on Seducing totalling $285.52, using his Bet365 account. At 11.24am, Seducing was scratched from the race. After the scratching of Seducing, Mr Tullio placed multi bets, including legs involving Immediate through his SportsBet account including one for $2,000.
9. Mr Tullio gave evidence that he was a very experienced gambler, with a turnover of $500,000 per month as at November 2018. He said that he does not usually make mistakes like that. He said that in betting on Shining, he got wrong on 15 occasions the name, the number, the odds and the colour referable to that greyhound.
10. Stewards held an inquiry into the betting on the race. On 1 May 2019, Mr Tullio told the Stewards that he knew that he had backed the wrong greyhound once the money went back into his account on the morning of 2 November 2018. He said he wondered why, on the next day after the betting, that he had that much money in his account.
11. However, at the hearing of the charges on 9 March 2021. Mr Tullio gave evidence that he realised his mistake at the cricket club the previous evening.

Issues on the first charge

1. The primary questions to be determined on the first charge are:
* Did Mr Tullio back Shining 15 times by mistake?
* Was Mr Tullio attempting to manipulate the market by betting on a scratched greyhound?
* Is manipulating betting markets, dishonest, improper conduct or constitute misconduct?

Consideration

1. We consider it improbable that an experienced gambler like Mr Tullio would make the same mistake 15 times in relation to betting on a greyhound, having regard to its colour, name, number and odds. We are fortified in our conclusion by the inconsistent accounts given by Mr Tullio about when he discovered that he had bet on the wrong greyhound. We place little reliance on the evidence of Mr Ryan, who is a very close friend of Mr Tullio.
2. Having deliberately placed 15 bets on a scratched greyhound, what was Mr Tullio doing? Was he attempting to manipulate the market? Counsel for Mr Tullio pointed to the fact that Mr Tullio did not thereafter take advantage of the better odds on his two other runners.
3. Counsel for GRV submitted that it is irrelevant that Mr Tullio did not try to take an advantage by manipulating the betting market. The important point, he said, was that he manipulated the market and must have intended to do so. Although no suggestion was made to Mr Tullio that anyone else took advantage of his manipulation, it was open to the betting public to do so. Manipulation is manipulation whether taking advantage of it or otherwise.

Determination on charge 1

1. Having regard to the foregoing, the Tribunal is comfortably satisfied that on 1 November 2018, Mr Tullio placed 15 bets on Shining to a value of in excess of $15,000 in total. We are also comfortably satisfied that, by betting on a scratched greyhound, Mr Tullio intended to manipulate the market and thereby engaged in conduct in breach of GAR 86(o) being conduct which is dishonest, improper and constitutes misconduct. Charge 1 is made out. Mr Tullio is guilty on charge 1.

The facts – charge 2

1. On Friday 2 November 2018, after the race, Stewards held an inquiry into the betting on the race. In that inquiry, Mr Tullio he told Stewards that he only bets with SportsBet. That was in the context of the Stewards inquiry about Mr Tullio’s betting activities on the race.
2. Mr Tullio also told Stewards that he did not place any single out bets on the race. Mr Tullio told the Stewards that if they examined his bets all they would find is multiples, “no single out bets or anything like that”.

Findings on the charge 2

1. When Mr Tullio said he only bet on SportsBet he must have known that that was false. As an experienced gambler he could not have forgotten his Bet365 account activity. When he said that he only placed multi bets on the race, that was also false, although it is possible that he was only thinking of his activity on SportsBet at the time, as distinct from Bet365.

Conclusion on charge 2

1. We are comfortably satisfied that, when Mr Tullio told Stewards that he only bets with SportsBet, he made a statement which was false and he which he knew to be false. This was during a Steward’s investigation and thereby he breached GAR 86(d). We are also satisfied that Mr Tullio made a false statement by saying in a Steward’s inquiry that he only bets using multi bets. Guilt of an offence under GAR 86(d) relates to the making of a false statement simpliciter and not to whether it was intentionally false. It is possible that Mr Tullio had in mind his SportsBet activity in making the later statement, but that is a question relevant to penalty rather than liability.
2. We find Mr Tullio guilty on charge 2. We are comfortably satisfied of his guilt.

Further hearing

1. The matter is adjourned to a directions hearing at a date and time to be set at which the Tribunal will program a hearing to deal with penalties.

Mark Howard
Registrar, Victorian Racing Tribunal