10 September 2024

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**VINCENT MILETO**

**Date of hearing:** 27 August 2024

**Date of decision:** 27 August 2024

**Date of reasons:** 10 September 2024

**Panel:** Judge Marilyn Harbison (Deputy Chairperson) and Ms Melissa Mahady.

**Appearances:** Mr Anthony Pearce appeared on behalf of the Stewards.

Mr Vincent Mileto represented himself.

**Charge:** Greyhounds Australasia Rule (“GAR”) 156(f)(ii) states:

An offence is committed if a person (including an official):

(f) has, in relation to a greyhound or greyhound racing, done something, or omitted to do something, which, in the opinion of a Controlling Body or the Stewards:

 (ii) constitutes misconduct or is negligent or improper.

**Particulars:** 1. You were previously registered as a public trainer with Greyhound Racing Victoria (GRV) (Member No. 27358) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.

2. You have, in relation to a greyhound or greyhound racing, done something, which, in the opinion of the Stewards, constitutes misconduct or is improper, in that:

a. On 1 April 2024, you contacted, via telephone, Greyhound Racing NSW registered trainer Mr. Brian Talbot

b. The phone conversation concerned the training status of the greyhound ‘Scathing’

c. During the conversation you have made inappropriate comments to Mr. Talbot, which included, words to the effect of:

i. “you’re a fucking smartass you fucking cockhead”.

ii. “I am going to punch you in the head”.

iii. “You’re a brain-dead cunt and I am going to come down to Wagga and see how tough you are”.

**Plea:** Guilty

**DECISION**

1. Mr Vincent Mileto has been registered as a trainer with Greyhound Racing Victoria (“GRV”) since 1989, but at the time of these events he was not registered, having been disqualified in October 2023.
2. In the hearing today he faces one Charge of misconduct.
3. The Charge describes this offence as having, in relation to a greyhound or greyhound racing, done something, or admitted doing something, which in the opinion of the controlling body or the Stewards constitutes misconduct or is negligent or improper.
4. The misconduct alleged arises out a telephone call between Mr Mileto and Mr Benjamin Talbot, the Club President of the Wagga Wagga Greyhound Racing Club, which call took place on 1 April 2024. As we have noted, Mr Mileto had previously been disqualified from participating in greyhound racing. That period of disqualification had ended on 29 January 2024. He had applied to be re-registered, but that application had not yet been considered by the GRV Board at the time of the telephone call.
5. Mr Talbot and Mr Mileto were not previously known to each other. During the phone call, Mr Mileto said that his current partner, Ms Georgia Whiting, had a share in the ownership of the dog “Scathing”, which was registered with the GRV. At the time of this discussion, the GRV records show that the dog was owned by Mr Ray Whyte. It was apparently in the custody of Mr Talbot, who was training the dog. Mr Mileto demanded that Mr Talbot give him regular updates about the greyhound on behalf of his partner. Mr Talbot refused to do so, pointing out that neither Mr Mileto nor Ms Whiting owned the dog. It is then that Mr Mileto engaged in the conduct which is said to constitute misconduct.
6. During the course of the conversation, Mr Talbot complained that Mr Mileto said to him “you're a fucking smartass you are fucking cockhead. I am going to punch you in the head. You’re a brain-dead cunt and I'm going to come down to Wagga and see how tough you are”.
7. He said that Mr Mileto also threatened to visit him at the Wagga Wagga Greyhound Racing Club and punch him in the head. Mr Talbot said that he ended the call at that point.
8. Mr Mileto was interviewed by the Stewards on 3 May 2024 regarding this alleged conduct. He agreed that he had phoned Mr Talbot and asked for updates on the greyhound. He confirmed that it was a heated discussion, and that Mr Talbot would not provide him with any information about the dog. He denied making the threats which have been outlined above. Instead, he said that he might have said to Mr Talbot, “if you kill this dog, I’ll kill you”.
9. In the hearing before us, Mr Mileto said that he did not know if he used the words relayed by Mr Talbot or not. He again described his interaction with Mr Talbot as a “heated discussion”.
10. Mr Mileto said to us that at the time he was very concerned about the greyhound, as he knew that it was prone to fits. He was worried that it might have a fit while racing and this might be fatal. He knew that Mr Talbot was training the dog, and he was trying to express his concern to Mr Talbot about the danger of racing the dog because of its medical condition.
11. Mr Mileto has pleaded guilty to this charge.
12. We are satisfied that he did threaten Mr Talbot’s life in an ugly and provocative way. To do so is clearly an act of misconduct. We are also satisfied that the act occurred in relation to a greyhound or greyhound racing. The phone call arose out of Mr Mileto’s misconceived request to obtain information about a registered greyhound from Mr Talbot, who was the trainer of the dog.
13. We thus find the Charge proven.
14. We now turn to the question of penalty.
15. Mr Mileto is 54 years old and has been involved in the greyhound industry for some 30 years. He has one significant prior offence. On 16 October 2023 he was disqualified for striking another participant at a racetrack, with such force that that participant was knocked to the ground. He was disqualified for a total of six months with three months of that sentence suspended for 24 months.
16. That period of disqualification ended on 29 January 2024. As we have indicated above, he immediately applied to be re-registered, but that application has not been considered by the GRV Board. The Stewards advised that the Board was awaiting the outcome of this hearing before considering Mr Mileto’s re-registration application.
17. He lives with Ms Georgia Whiting at her property, at which she owns and trains some 29 greyhounds. He assists her to look after the dogs in lieu of paying any rent. Although he is no longer in a relationship with her, he cannot afford to move anywhere else as he has no employment and no money or assets. He has applied for a disability pension on the basis of his medical condition. He told us that he has been diagnosed with post-traumatic stress disorder, depression, bipolar disorder, and sleep disorder.
18. He emphasised to us that he wishes to participate in the industry once again in order to be able to earn an income, and has been prevented from doing so by the failure of GRV to process his application for re-registration.
19. In sentencing Mr Mileto, we are concerned about the need to deter others in the industry from engaging in threatening behaviour such as Mr Mileto displayed to Mr Talbot. Industry participants should be able to expect to go about their business without enduring such appalling threats. Since the time of that telephone call, Mr Talbot has become very anxious and hypervigilant believing that Mr Mileto would carry out his threat.
20. Mr Talbot has still not recovered from this incident. He describes himself as being constantly on edge and thinking about the threat that was made. He believes that Mr Mileto was very serious about carrying out the threat. We have a duty to protect industry participants from such aggression.
21. In this case, we are also concerned about the issue of specific deterrence-that is, the need to deter Mr Mileto from engaging in such behaviour in the future. We are very much aware that his previous offence also involved aggressive behaviour to a fellow industry participant, and that on that occasion the participant was actually struck.
22. We are very concerned that Mr Mileto has made no apology for the behaviour which is the subject of this Charge. He did not express any remorse to the Stewards when he was interviewed by them. He did not express any remorse in this hearing, and instead appeared to us to attempt to justify his intemperate words. However, we recognise that his plea of guilty must be viewed as evidence of remorse.
23. Unless he changes this attitude, there is a significant risk that he will reoffend.
24. In their sentencing submissions, the Stewards have asked that we reinstate the three month disqualification remaining from Mr Mileto’s previous offence which was suspended at the time of the October 2023 sentencing hearing, and also impose a further six month disqualification as penalty for the behaviour which is the subject matter of this hearing.
25. We have decided not to reinstate the three month disqualification penalty. In coming to this decision, we take into account the fact that seven months has passed since the period of active disqualification imposed in relation to his previous events expired. GRV refused to consider Mr Mileto’s re-registration application until this matter was heard and determined. He is not to blame for the delay and has borne the consequence of being shut out of the industry for this time. We do not express any view as to whether any application processed in that time should have been successful, but we acknowledge that the delay should be taken into account by us in our sentencing task.
26. In relation to the offence which is before us today, we impose a penalty of four months disqualification. We do not consider it appropriate to suspend any part of this sentence, given our concern that there is nothing to indicate that Mr Mileto has any awareness of the gravity of his actions towards Mr Talbot and both specific and general deterrence must be emphasised. The four month disqualification is to commence immediately.

Kathleen Scully

Assistant Registrar, Victorian Racing Tribunal