21 October 2024

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**KENT HARPLEY**

**Date of hearing:** 17 October 2024

**Date of decision:** 17 October 2024

**Panel:** Judge Kathryn Kings (Deputy Chairperson) and Ms Maree Payne.

**Appearances:** Mr Andrew Cusumano appeared on behalf of the Stewards.

Mr Kent Harpley represented himself.

**Charge:** Australian Harness Racing Rule (“AHRR”) 190(1) states:

(1) A horse shall be presented for a race free of prohibited substances.

**Particulars:** 1. At all relevant times, you were a licensed trainer with HRV and a person bound by the Australian Harness Racing Rules;

 2. At the relevant time you were the trainer of the horse ‘*My Lady Sarah’*;

 3. On 31 October 2023, ‘*My Lady Sarah*’ was presented to race at the Bendigo harness racing meeting in Race 8, the ‘Forty Winks New Location Epsom Pace (2nd Heat)’;

 4. Following Race 8, a urine sample was collected from *‘My Lady Sarah’* with subsequent analysis of that sample revealing the presence of Capsaicin and Dihydrocapsaicin.

 5. As the trainer of ‘*My Lady Sarah*’ on 31 October 2023, you presented that horse to race in the ‘Forty Winks New Location Epsom Pace (2nd Heat)’ at Bendigo not free of the prohibited substances Capsaicin and Dihydrocapsaicin.

**Plea:** Guilty

**DECISION**

Mr Kent Harpley, you have pleaded guilty to a charge under Australian Harness Racing Rule 190(1), namely a presentation charge.

At all relevant times you were a licensed trainer with Harness Racing Victoria and a person bound by the Australian Harness Racing Rules. You were the trainer of My Lady Sarah.

On 31 October 2023, My Lady Sarah was presented to race at the Bendigo Harness Racing Meeting in Race 8. A post-race sample of urine (V. 812963) was collected from My Lady Sarah. This tested positive to Capsaicin and Dhydrocapsaicin.

As the trainer of My Lady Sarah you presented the horse not free of a prohibited substance.

You have been a trainer for 26 years, and a participant for 33 years. This is your first offence under this Rule.

In setting a penalty, we take into account general deterrence and, to a lesser extent, specific deterrence. We also take into account the importance of maintaining a level playing field by having a drug free industry. Further, we take into account your guilty plea at the earliest opportunity and your excellent record. We take into account the submissions of the Harness Racing Stewards.

In all the circumstances and consistent with recent penalties in like matters, we impose a fine of $3,000, with $1,500 suspended for 12 months pending no further breach of Rule 190 (1).

In addition, My Lady Sarah is disqualified from Race 8 at the Bendigo Harness Racing meeting on 31 October 2023 and the finishing order is amended accordingly.

Mark Howard

Registrar, Victorian Racing Tribunal