3 February 2025

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**KERRY HOULAHAN**

**Date of hearing:** 15 January 2025

**Date of Decision:** 15 January 2025

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

**Appearances:** Ms Amara Hughes, instructed by Ms Yana Podolsakaya, appeared on behalf of the Stewards.

Ms Kerry Houlahan did not attend the hearing.

 Mr Bradley Martin appeared as a witness.

 Mr Alex Kitching appeared as a witness.

 Mr Paul Searle appeared as a witness.

**Charges:** Greyhounds Australasia Rule (“GAR”) 141(1) states:

 (1) The owner, trainer or other person in charge of a greyhound:

(a) nominated to compete in an Event;

(b) presented for a satisfactory trial or such other trial as provided for by the Rules; or

(c) presented for any test or examination for the purpose of a stand-down period being varied or revoked,

 must present the greyhound free of any prohibited substance.

 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 of charges: Charge 1: GAR 141(1)**

 1. You are, and were at all relevant times, a trainer licensed by Greyhound Racing Victoria and a person bound by the Greyhounds Australasia Rules.

2. You were, at all relevant times, the person in charge of the greyhound “Freaky Freddie”.

3. Freaky Freddie was nominated to compete in Race 3, OAKS SUPER BOX FOR HIRE, Tier 3 – Maiden, conducted by the Warragul Greyhound Racing Club at Warragul on 30 November 2023 (the Event).

4. On 30 November 2023, you presented Freaky Freddie at the Event not free of any prohibited substance, given that:

(a) A pre-race sample of urine was taken from Freaky Freddie at the Event (the Sample);

(b) Theobromine was detected in the Sample.

**Charge 2: GAR 156(f)(ii)**

1. You are, and were at all relevant times, a trainer licensed by Greyhound Racing Victoria and a person bound by the Greyhounds Australasia Rules.

2. You were, at all relevant times, the trainer of the greyhound “Freaky Freddie” (the Greyhound).

3. Between 6 October 2023 and 22 June 2024, you caused or allowed the Greyhound to remain registered in the name of another trainer, Mr Robert Johnson, when in reality and practice, you were primarily responsible for the training of the Greyhound.

4. By causing or allowing the Greyhound to remain registered in the name of Mr Robert Johnson during the relevant period:

(a) You and/or Robert Johnson received a financial advantage in the form of travel and starters fees and;

(b) You caused or allowed the betting public and the controlling body (GRV) to be misled regarding the identity of the person primarily responsible for the training of the Greyhound.

5. In the opinion of the Stewards, this practice constitutes misconduct and/or is improper.

**Pleas:** Not Guilty

**DECISION**

1. Until recently, Ms Kerry Houlahan was a registered greyhound trainer and owner with Greyhound Racing Victoria (“GRV”). She is charged with two offences.
2. The decision in the case of Mr Robert Johnson should be read in conjunction with this decision.
3. The first is a presentation offence. She is charged as the person in charge of the greyhound, “Freaky Freddie”. On 30 November 2023, she presented this dog to race at Warragul at a time when it was not free of a prohibited substance. Theobromine was detected in the dog at the time of the race.
4. Theobromine is a stimulant and is present in coffee and chocolate. Ms Houlahan was unable to identify any way in which this substance could have been ingested by her dog.
5. The circumstances surrounding her involvement with this dog are unusual. The dog was kennelled at a property owned by Mr Robert Johnson, also a registered trainer of greyhounds. She and Mr Johnson had come to a financial arrangement in relation to payment of rent to him for the use of his kennels. The greyhound was registered in Mr Johnson's name as trainer and in her name as owner. In actuality, she performed all the functions of care, training, and raising the dog. Mr Johnson played no part in training the dog.
6. The arrangement was made because Mr Johnson as trainer was able to claim from GRV was a $120 travel and starter fee from GRV per race in relation to the greyhound, whereas Ms Houlahan would have only been able to claim $20 per race if the dog had been in her name. The extra money allocated in this way was kept by Mr Johnson in lieu of Ms Houlahan paying rent for the kennels.
7. The circumstances of this arrangement have led the Stewards to press a second charge against Ms Houlahan. This is a charge of having committed misconduct by entering into this arrangement. The Stewards allege that the arrangement allowed the betting public and GRV to be misled regarding the identity of the person primarily responsible for the training of this greyhound, and that Ms Houlahan gained a financial advantage from doing so.
8. Mr Johnson has been charged with identical offences arising out of the same circumstances, although in relation to the presentation offence he is charged as the trainer whereas Ms Houlahan is charged as the person in charge of the greyhound.
9. Given that neither Ms Houlahan or Mr Johnson appeared at the hearing before us or participated in the pre-trial processes, the Stewards were required to satisfy us on the *Briginshaw* standard that the charges against each of them were made out.
10. In sentencing Mr Johnson, we have identified the evidence given in respect of each charge and our findings. The evidence given and our findings are identical in respect of Ms Houlahan, and we do not propose to repeat them here. We find Ms Houlahan, as the person in charge of the dog Freaky Freddie, guilty of having presented that dog on 30 November 2023 with theobromine in its system. We also are well satisfied that, in entering into the arrangement outlined above with Mr Johnson, she has committed an act of misconduct.

**PENALTY**

1. In sentencing Ms Houlahan for the presentation offence, we note that she has been unable to locate the source of this substance. This is not unusual in offences of this kind. There is no particular act or omission of hers that can be pointed to which allowed the substance to come into contact with the dog.
2. In sentencing for the misconduct offence, we treat the fact situation far more seriously. The arrangement was entered into blatantly for financial gain.
3. We know very little about Ms Houlahan’s personal circumstances. She has been registered as a public trainer since 2011, but her registration was cancelled in 2024 and she is no longer in the racing industry. She has no prior offences. She was cooperative with the Stewards when questioned. We take these matters into account in her favour.
4. As we said when sentencing Mr Johnson, by entering into this arrangement she has duped the betting public and GRV as to some essential elements required to assess a racing greyhound – that is the identity of the trainer, the training regime, and details of the care of the dog. She has done so for financial gain. We must send a stern message to the industry that this conduct will not be tolerated.
5. We deal with the second charge first, as it is clearly the most serious.
6. On Charge 2, the misconduct charge, the penalty which we impose is a fine of $1,500 and a warning off period of six months. The warning off period is to commence immediately.
7. On Charge 1, the presentation charge, the penalty which we impose is a fine of $500, to be concurrent with the fine imposed on Charge 2.
8. In addition, Freaky Freddie is disqualified Race 3 at Warragul on 30 November 2023 and the finishing order is amended accordingly.

Kathleen Scully

Acting Registrar, Victorian Racing Tribunal