21 March 2025

**DECISION**

**RACING VICTORIA**

**and**

**LEWIS GERMAN**

**Date of hearing:** 18 March 2025

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**Panel:** Judge John Bowman (Chairperson) and Dr Andrew Gould.

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

Mr Lewis German represented himself.

**Charges and particulars: Charge 1 of 4: AR 230**

AR 230 reads as follows:

**AR 230 Duty to provide information in relation to corrupt etc conduct**

1. *A person who is directly or indirectly approached or requested to engage in conduct which could constitute:*
2. *corrupt, dishonest, fraudulent, or improper conduct in connection with racing; or*
3. *conduct which is detrimental to the image, interests, integrity or welfare of racing; or*
4. *an act of cruelty to a horse,*

*must provide full details of the approach or request to the Stewards as soon as is practicable.*

…

**Particulars of charge**

1. You were, at all relevant times, an apprentice jockey licensed by Racing Victoria and bound by the Rules of Racing.
2. Between 5 March 2022 and 12 March 2022 you were directly or indirectly approached and/or requested to engage in conduct which could constitute:
3. corrupt, dishonest, fraudulent, or improper conduct in connection with racing; or
4. conduct which is detrimental to the image, interests, integrity or welfare of racing;

In that:

1. you were approached by Jacob Foltynowicz who offered you a financial reward of $5,000 to ride “Gold Gift” not on its merits when it was accepted to compete in Race 3 at Towong on 12 March 2022;
2. you advised Jacob Foltynowicz “I’m not doing it” and “you can’t pay me enough”;
3. You failed to provide full details of this approach and/or request by Jacob Foltynowicz to the Stewards as soon as practicable.

1. Your conduct, as set out in particular 2, constituted a breach of AR 230.

**Charge 2 of 4: AR 229(1)(h)**

AR 229(1)(h) reads as follows:

**AR 229 Corruption, dishonesty and misleading behaviour**

1. *A* person *must not:*

*…*

*(h)*  *make a false or misleading statement or declaration in relation to a matter in connection with the administration or control of racing;*

…

**Particulars of charge**

1. You were, at all relevant times, an apprentice jockey licensed by Racing Victoria and bound by the Rules of Racing.
2. Between 1 August 2021 and 1 July 2022, you made transactions through betting accounts in your name with the following Wagering Service Providers (the **Betting Accounts**):
3. Neds; and
4. Bet365.
5. On 1 July 2022, you submitted a Jockey Licence Renewal Application (**Application**) and failed to declare, as required by the terms and conditions of that Application, the Betting Accounts.
6. Your conduct, as set out in particulars 2 and 3, constituted a breach of AR 229(1)(h).

**Charge 3 of 4: AR 229(1)(a)**

AR 229(1)(a) reads as follows:

**AR 229(1)(a) Corruption, dishonesty and misleading behaviour**

1. A *person must not:*
2. *engage in any dishonest, corrupt, fraudulent, improper or dishonourable action or practice in connection with racing*

*…*

**Particulars of charge**

1. You were, at all relevant times, a jockey licenced by Racing Victoria.
2. Between 21 April 2022 and 31 August 2022, you engaged in conduct which was dishonest, corrupt, improper and/or dishonourable action or practice in connection with racing, in that:
3. You communicated, either directly or indirectly, to Noah Brash and/or Michael Poy and/or Jacob Foltynowicz, in relation to the races identified in Appendix A, in which you were participating as a jockey licenced by Racing Victoria, that bets should be placed on the horses that you were riding not to win or place, and / or to be beaten by another horse.
4. Your communications referred to in the immediately preceding subparagraph were made in the knowledge or belief that bets would be placed on the horses you were riding not to win or place, or to be beaten by another horse.
5. You did where necessary ride such horses in a manner to ensure that the bets would be successful.
6. As a result of the communications to Noah Brash and/or Michael Poy and/or Jacob Foltynowicz, Noah Brash placed 89 lay bets, 87 of which were successful (the **Bets**), on 37 different mounts you rode, risking a total of $2,456,459 and resulting in a total profit of $259,494  *The dates, amounts and outcomes of the Bets, and the races and mounts to which they relate, are set out in the annexed Appendix A.*
7. Your conduct as particularised in paragraph 2, on each occasion, constituted a breach of AR 229(1)(a).

**Charge 4 of 4: AR 228(a) – Alternative to Charge 3**

AR 228(a) which reads as follows:

**AR 228(a) Conduct detrimental to the interests of racing**

A *person must not engage in:*

1. *conduct prejudicial to the image, interests, integrity, or welfare of racing, whether or not that conduct takes place within a racecourse or elsewhere.*

**Particulars of charge**

1. You were, at all relevant times, a jockey licenced by Racing Victoria.
2. Between 21 April 2022 and 31 August 2022, you engaged in conduct prejudicial to the image, interests or integrity of racing in that:
3. You communicated, either directly or indirectly, to Noah Brash and/or Michael Poy and/or Jacob Foltynowicz, in relation to the races identified in Appendix A, in which you were participating as a jockey licenced by Racing Victoria, that  bets should be placed on the horses that you were riding not to win or place, and / or to be beaten by another horse.
4. Your communications referred to in the immediately preceding subparagraph were made in the knowledge or belief that bets would be placed on the horses you were riding not to win or place, or to be beaten by another horse.
5. As a result of the communications to Noah Brash and/or Michael Poy and/or Jacob Foltynowicz, Noah Brash placed 89 lay bets, 87 of which were successful (the **Bets**), on 37 different mounts you rode, risking a total of $2,456,459 and resulting in a total profit of $259,494  *The dates, amounts and outcomes of the Bets, and the races and mounts to which they relate, are set out in the annexed Appendix A.*
6. Your conduct as particularised in paragraph 2, on each occasion, constituted a breach of AR 228(a).

**Pleas:** Guilty to charges 1, 2, and 4.

Charge 3 was withdrawn.

**DECISION**

Mr Lewis German, you are pleading guilty to three charges. These are as follows:

Charge 1 – A breach of Australian Rule of Racing (“AR”) 230(1), which relates to the duty to provide information in relation to corrupt conduct.

Charge 2 – A breach of AR 229(1)(h), which concerns corruption, dishonesty and misleading behaviour.

Charge 4 – A breach of AR 228(a), which concerns conduct detrimental to the interest of racing.

Charge 3 – Pursuant to AR 229(1)(a) was withdrawn.

Charge 4 is by far the most serious of the remaining charges and was so approached by the Stewards. It involves your conduct between 21 April 2022 and 31 August 2022. In essence, that conduct involved the communication to persons, including Mr Noah Brash, who was a professional punter, that bets should be placed on certain horses that you were riding. In particular, you would be riding not to win or place – that is, to be beaten.

In fact, 89 such bets were placed and 87 of them were successful bets on 37 different horses which you rode. As a result, Mr Brash outlayed $2,456,459 and obtained a profit of $259,494.

Thus, you were involved in a large scale operation, with very big profits resulting from horses ridden by you not being allowed to race on their merits. Indeed, you were not only involved, you were central and vital to the whole crooked operation. You did this in the expectation of being paid considerable amounts of money, although you claim that essentially this had not occurred as at the time that the operation ceased.

We would add that Mr Brash was charged and has been before this Tribunal. He also pleaded guilty. We would refer to the factual background set out in the decision of 4 December 2024. We also repeat the observations made therein that conduct such as this attacks the very integrity of the industry, which is a key part of its existence. Such behaviour can do great damage to the image and reputation of racing.

We take into account your pleas of Guilty and your age. You are only 27 years of age, and were still an apprentice, or just finishing your apprenticeship, when these events occurred.

You are no longer employed in the racing industry. You have moved interstate. It would not appear that there is anyone else dependent upon your income.

As stated, you have pleaded Guilty to all charges and have expressed some remorse.

We repeat and emphasise the gravity of the offence pursuant to AR 228(a).

Bearing in mind all of the above, we are of the view that the appropriate penalty for this offence is disqualification for a period of 10 years.

Charge 1 concerns your failure to report to the Stewards that you were approached concerning a race meeting at which you were to ride at Toowong on 12 March 2022. You were asked to fail to ride a particular horse on its merits and offered a substantial sum of money so to do. You strongly rejected this offer but failed to report the matter to the Stewards. You have pleaded guilty to a breach of AR 230(1).

The failure to advise the Stewards of what had occurred warrants a period of suspension. The Stewards must be informed of behaviour such as this. You are suspended for a period of six months, but that penalty is wholly concurrent with the penalty in relation to Charge 4.

Charge 2 concerns your failure to declare on your Licence Renewal Application of 1 July 2022 that you had two betting accounts in your name. This is also regrettable conduct that has the power to hinder or impede the work of the Stewards. You are suspended for a period of three months, wholly concurrent with the penalty on Charge 4.

Thus, the end result is that you are disqualified for a period of 10 years. As we understand it, no part of this penalty has already been served. Thus, it will commence immediately unless there is some agreement to the contrary.

Mark Howard

Registrar, Victorian Racing Tribunal