13 May 2025

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**SARGON KANDO**

**Date of hearing:** 5 May 2025

**Date of Decision:** 5 May 2025

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

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

Mr Sardon Kando represented himself

**Charges:** Greyhounds Australasia Rule (“GAR”) 21(21) states:

 (1) A person must ensure that any greyhound in the person’s care or custody, is at times provided with:

(d) veterinary attention when necessary

 GAR 21(2) states:

 (2) A person must exercise the care and supervision necessary to prevent a greyhound under the person’s care or custody from being subjected to unnecessary pain or suffering, or from anything which is likely to lead to unnecessary pain or suffering.

GAR 151(1) states:

(1) The person in charge of a greyhound must keep and retain written records detailing all vaccinations, antiparasitics and treatments administered to the greyhound:

(a) from the time they greyhound enters their care until the greyhound leaves their care; and

(b) for a minimum of two years

(4) An offence is committed if any person in charge of a greyhound at the relevant time fails to comply with any of subrules (1) to (3) of this rule.

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

 1. You are, and were at all relevant times, a trainer registered with Greyhound Racing Victoria (“GRV”) (Member No. 3583) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.

2. From February 2 2022 until April 4 2022, you were the trainer of, and had the care or custody of, the greyhound “Zipping Malibu”.

3. Whilst Zipping Malibu was in your care you were aware the greyhound had an injured right rear hock, which you failed to seek any veterinary attention for.

4.You failed to ensure that Zipping Malibu, which was in your care or custody at the relevant times, was provided with veterinary care when necessary.

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

1. You are, and were at all relevant times, a trainer registered with Greyhound Racing Victoria (“GRV”) (Member No. 3583) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.

2. From February 2 2022 until April 4 2022, you were the trainer of, and had the care or custody of, the greyhound “Zipping Malibu”.

3 Whilst Zipping Malibu was in your care you were aware the greyhound had an injured right rear hock, which you failed to seek any veterinary attention for.

4. On 18 May 2022, Zipping Malibu was examined by a veterinarian and found to have suffered a chronic hock fracture.

5. On 4 October 2022, Zipping Malibu was examined by another veterinarian which confirmed the hock fracture, with pain relief provided and surgery conducted.

6. You failed to prevent they greyhound Zipping Malibu, which was in your care or custody at the relevant times, from being subjected to unnecessary pain or suffering, or from anything which is likely to lead to unnecessary pain or suffering.

**Charge 3: GAR 151(1)**

1. You are, and were at all relevant times, a trainer registered with Greyhound Racing Victoria (“GRV”) (Member No. 3583) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.

2. From February 2 2022 until April 4 2022, you were the trainer of, and had the care or custody of, the greyhound “Zipping Malibu”.

3. During that period, you had the care and custody of Zipping Malibu.

Whilst Zipping Malibu was in your care you were aware that the greyhound had an injured right rear hock.

You failed to keep treatment records for Zipping Malibu.

**Pleas:** Guilty to all charges

**DECISION**

1. Mr Sargon Kando has pleaded guilty to three charges. The first Charge is failing to provide veterinary attention to “Zipping Malibu”. The second Charge is failing to exercise necessary care to prevent unnecessary pain and suffering to that dog. The last Charge is failure to maintain treatment records in respect of that greyhound.
2. Mr Kando is a registered greyhound trainer. He was registered as the trainer of Zipping Malibu between 2 February 2022 and 4 April 2022. Sometime in late February or early March, while the dog was under his care, it was injured during a trial at The Meadows. The injury appears to have been a fracture to the right rear hock. This fracture caused the dog to limp. Mr Kando first noticed this limp within one or two days of the race. He contacted the owner of the dog and said that the dog had “broken down”, by which he meant that he had noticed that there was something wrong with the dog, but that he did not know what it was.
3. The first Charge has been brought because Mr Kando did not obtain any veterinary attention for the dog in respect of this injury.
4. The second Charge also relates to this injury. It is not suggested that Mr Kando caused the injury to the dog. However, it is said that, knowing that the dog had been injured and was limping, he failed to address that injury. He simply returned the dog to the owner, Mr Michael Katsiris, on 4 April 2022. The dog therefore suffered pain from the time of the injury at the trial until the time it was returned to the owner, who took it to the veterinary surgeon on 18 May 2022. As we understand it, the owner has been charged separately for his failure to obtain veterinary attention for the dog from the time it was returned to him until the veterinary visit in May 2022. The dog subsequently underwent surgery and was rehomed through Racing 2 Rehome.
5. During the course of the Stewards’ investigation, they examined Mr Kando’s treatment records for this dog. He had not recorded either the injury to the hock or an earlier injury to the hip sustained whilst the dog was in his care.
6. The greyhound was in Mr Kando’s care for approximately eight weeks and it received no treatment at all for this injury in that time.
7. When questioned by the Stewards, Mr Kando said that he could not work out what was wrong with the dog. He had observed it initially with a hip injury and again with a limp after the trial at The Meadows. He did not think that the dog needed veterinary treatment. He agreed that it was continually lame, but denied that it would have been in pain. He had thought that the dog was suffering from a psychological issue which was causing lameness, rather than from a physical injury. He said that he had decided that this must be the case because he had checked the leg by twisting it and the dog showed no pain when he did this.
8. He later agreed that he should have taken the dog to the veterinary surgeon in order to obtain a diagnosis.
9. The veterinary evidence presented to us confirmed that the fracture would have been incredibly painful for the dog and that the dog required immediate pain relief and stabilisation of the fracture as soon as the limp became apparent. Failure to treat such an injury quickly is likely to result in the development of osteoarthritis, which is a permanent and very painful condition in a dog.
10. To leave a dog to suffer after an injury is an extremely cruel thing. Offences relating to animal welfare must be dealt with sternly. We recognise the need to impose a just punishment in the circumstances of each case, but we have a clear duty to demonstrate to other members of this industry that lack of attention to an injured greyhound is absolutely unacceptable. Mr Kando has been in the industry for 35 years. We consider that for a trainer of his experience to not seek immediate veterinary examination for a dog with a persistent limp is inexcusable.
11. We thus accept that general deterrence is a major factor in imposing a sentence today.
12. We accept that specific deterrence is a factor to consider in sentencing. We find that Mr Kando has in his answers to the Stewards attempted to play down the seriousness of the injury to the greyhound.
13. Mr Kando has a good record within the industry. His past offences have been relatively minor, except that we note a prior offence in relation to the keeping of treatment records. He has not been previously dealt with on any animal cruelty charges.
14. We take into account in his favour that Mr Kando has pleaded guilty to these offences. We also take into account the other matters put on his behalf in this plea hearing. He is 71 years of age. In the last 12 months, he has suffered a stroke and is still under medical treatment. He cannot walk and cannot care for any greyhounds. Although he is still a registered trainer, he has not participated in the industry since his hospitalisation and currently has no dogs in his care. He does not know whether he will recover sufficiently to train greyhounds again.

**PENALTY**

1. In all the circumstances, the penalties we impose are as follows.
2. On Charge one, which is the charge of failing to obtain veterinary attention, we disqualify Mr Kando for nine months, commencing today.
3. On Charge two, which is the Charge of subjecting a greyhound to unnecessary pain and suffering, we disqualify Mr Kando for nine months commencing today. We recognise that the circumstances of Charges one and two are intertwined and for this reason we order that the disqualification imposed on Charge two be served concurrently with that imposed on Charge one.
4. On Charge three, which is the charge of failing to provide treatment records, the penalty which we impose is a fine of $500. We have imposed a significant fine for this offence to illustrate that we regard failure to record actual injuries to a greyhound as a serious omission.

Paige Macdonald

Acting Assistant Registrar, Victorian Racing Tribunal