



6 June 2018

STEWARDS REPORT

Inquiry into a complaint received from registered co-owner Dr Ivan Wilden-Constantin against co-trainers Ms Kelly Gooch and Mr Greg Gooch regarding their alleged failure to properly care for, and failure to provide veterinary treatment for, the three-year old colt Laird Louis whilst it was under their care

South East Region – Racing NSW
Inquiry conducted Goulburn Racecourse

Stewards Panel: J D Walshe (Chairman) and C G Polglase

On Wednesday 2 May 2018 an inquiry was opened into a complaint received from registered co-owner Dr Ivan Wilden-Constantin against licenced co-trainers Ms Kelly Gooch and Mr Greg Gooch regarding their alleged failure to properly care for Laird Louis, a three-year old colt that was being trained by them, and their subsequent failure to provide veterinary treatment for the colt which was euthanised on 27 March 2018.

Evidence was taken from Dr Ivan Wilden-Constantin, co-trainers Ms Kelly Gooch and Mr Greg Gooch, registered co-owners Mr Mark Wilden-Constantin and Mr Andrew Wilden Constantin, Dr Tania Selig – veterinarian Racing NSW, licensed stablehand Mr Dean Rodger, licensed stable foreperson Mr Anthony Warren. Evidence was also taken via teleconference from registered veterinarians Dr E Mainprize, Dr P Wright, Dr B White and Dr L Varga.

The inquiry was resumed on Wednesday 6 June 2018 after charges were issued in writing to Ms Gooch and Mr Gooch on 7 May 2018. Further evidence was taken from Ms Gooch and Mr Gooch assisted by Senior Counsel Mr Robert Greenhill and evidence was also taken from licensed trainer Ms Karen Welch.

Ms Gooch and Mr Gooch were found guilty of charges 1 and 2 and pled guilty to charge 3.

CHARGE 1

Under AR 175(o)(i) they did fail to exercise reasonable care to prevent an act of cruelty as:

- a. they were at all relevant times the co-trainers of the 3yo colt Laird Louis.
- b. In accordance with AR80G(2), they were persons training in partnership and as such share all responsibilities, duties, obligations and rights provided by the Rules in relation to the training of racehorses.
- c. Under LR78(2), they were, during the relevant times, responsible for the care, control and supervision of Laird Louis.
- d. For the period 7 October 2017 until at least 7 November 2017 and whilst under their care, control and supervision at all relevant times, Laird Louis was stabled at their

registered racing premises for significant periods of time where gravel material formed at least part of the composition of the flooring of its stable.

- e. On 27 October 2017, and whilst under their care, control and supervision at all relevant times, Laird Louis was examined by veterinarian Dr Ramon Perez for suspected colic.
- f. On or around 7 November 2017, Ms Gooch observed gravel material in the faeces of Laird Louis.
- g. On 7 November 2017, and whilst under their care, control and supervision at all relevant times, Laird Louis was treated by veterinarian Dr Emma Mainprize for suspected colic.
- h. They were in the knowledge that from 7 November 2017, that the presence of the gravel material observed by Ms Kelly Gooch in the faeces of Laird Louis at or around 7 November 2017, was likely due to Laird Louis ingesting that material from its stable floor.
- i. That in light of the details of particular h), part-owner Dr Ivan Wilden-Constantin financed the provision of sawdust and weed matting to be used in the stable of Laird Louis in future so as to safeguard against the colt from being exposed to gravel material so as to prevent the colt from ingesting gravel material.
- j. On Sunday 11 March 2018, following a spell, Laird Louis was returned to their care, control and supervision at their registered racing stables at 45 Loloma Place, GOULBURN NSW where it remained until Monday 26 March 2018.
- k. They did fail to exercise proper care, control and supervision of Laird Louis from Sunday 11 March 2018 until Saturday 24 March 2018 in that Laird Louis was, for significant periods of time, stabled in an area which contained gravel material which was available for the colt to ingest when you were in the knowledge that the colt had a tendency to ingest gravel material.
- l. Cruelty, as defined under AR1, includes any act or omission as a consequence of which a horse is mistreated.
- m. On Monday 26 March 2018, after being returned to owner Dr Ivan Wilden-Constantin's property, Laird Louis was examined and treated for illness by veterinarian Dr Peter Wright.
- n. On Tuesday 27 March 2018, Laird Louis was examined and treated by veterinarians Dr P Wright and Dr L Varga for illness.
- o. At or around 5:45pm on 28 March 2018, and upon examination by Dr L Varga, Laird Louis was found to have a purple tinge to the mucus membranes, capillary refill time was over two seconds, gut sounds were absent in all four quadrants and an abdominal tap was performed from which a green tinged, very turbid fluid was collected.
- p. The poor clinical signs detailed in paragraph (o) resulted in the decision to euthanise Laird Louis, which was performed by Dr L Varga on 28 March 2018.
- q. An abdominal post mortem examination completed by Dr L Varga on 28 March 2018 revealed generalised cyanotic discolouration to the small intestine with mesentery blood vessels showing a dark purple colour and the presence of a significant amount of dark black gravel substance stuck within the lumen of the colon.
- r. Dr L Varga concluded that Laird Louis' cause of colic was due to the impaction of gravel material in its large colon.

CHARGE 2

Under AR175(o)(iii) they did fail to provide for veterinary treatment where such treatment was necessary as:

- a. they were at all relevant times the co-trainers of the 3yo colt Laird Louis.
- b. In accordance with AR80G(2), they were persons training in partnership and as such share all responsibilities, duties, obligations and rights provided by the Rules in relation to the training of racehorses.
- c. Under LR78(2), they were, during the relevant times, responsible for the care, control and supervision of Laird Louis.
- d. On the morning of Saturday 24 March 2018 they became aware that Laird Louis was displaying symptoms of colic.
- e. That during Saturday 24 March 2018 they did fail to provide for veterinary treatment of Laird Louis when the colt was displaying symptoms of colic and such treatment was necessary for the colt.
- f. That at no time did they, subsequent to Saturday 24 March 2018 and whilst Laird Louis remained in their care, control and supervision at their registered racing stables until its departure from your registered racing stables on the morning of Monday 26 March 2018, provide for veterinary treatment of the colt, when such treatment was necessary for the colt.
- g. Due to illness, and as arranged by its owner, Laird Louis was subsequently examined and treated by veterinarians, Dr P Wright on Monday 26 March 2018, by Dr P Wright and Dr L Varga on Tuesday 27 March 2018 and was examined by Dr L Varga on Wednesday 28 March 2018.
- h. At 5pm on 28 March 2018, and upon examination by Dr L Varga, Laird Louis was found to have a purple tinge to the mucus membranes, capillary refill time was over two seconds, gut sounds were absent in all four quadrants and an abdominal tap was performed from which a green tinged, very turbid fluid was collected.
- i. The poor clinical signs detailed in paragraph (h) resulted in the decision to euthanise Laird Louis, which was performed by Dr L Varga on 28 March 2018.
- j. An abdominal post mortem examination completed by Dr L Varga on 28 March 2018 revealed generalised cyanotic discolouration to the small intestine with mesentery blood vessels showing a dark purple colour and the presence of a significant amount of dark black gravel substance stuck within the lumen of the colon.
- k. Dr L Varga concluded, as detailed in his signed Veterinary Report of the clinic notes relating to Laird Louis, that the cause of the colt's colic was due to the impaction of gravel material in its large colon.

CHARGE 3

Under AR175F(5) they did fail to comply with the provisions of AR178F(1) in that between 7 November 2017 and 25 March 2018 they did fail to record in their stable records, complete details of all treatments and medications to horses in their care.

PENALTY

CHARGE 1 – 8 months disqualification

CHARGE 2 – 12 months disqualification to be served concurrently with CHARGE 1

CHARGE 3 – Fined \$700

Under the provisions of AR196(6) Ms Gooch and Mr Gooch were advised that the commencement of the disqualifications are deferred for a period of 7 days to commence on 13 June 2018, however until such time, they are not permitted to start a horse in a race.

Ms Gooch and Mr Gooch have lodged an appeal and been granted a stay of proceedings.

RELEVANT RULES

AR 175. *The Principal Racing Authority (or the Stewards exercising powers delegated to them) may penalise;*

(o) Any person in charge of a horse who in their opinion fails at any time –

(i) to exercise reasonable care, control or supervision of a horse to prevent an act of cruelty to the animal; and/or

AR 175. *The Principal Racing Authority (or the Stewards exercising powers delegated to them) may penalise;*

(o) Any person in charge of a horse who in their opinion fails at any time –

(iii) to provide for veterinary treatment where such treatment is necessary for the horse.

AR 178F(1):

(1) A trainer must record treatment and medication administered to each horse in his or her care by midnight on the day on which the administration was given, and each record must include the following information:

- (a) the name of the horse;
- (b) the date and time of administration of the treatment or medication;
- (c) the name of the treatment or medication administered (brand name or active constituent);
- (d) the route of administration including by injection, stomach tube, paste, topical application or inhalation);
- (e) the amount of medication given (if applicable);
- (f) the duration of a treatment (if applicable);
- (g) the name and signature of person or persons administering and/or authorizing the administration of the treatment or medication.

(5) A trainer who fails to comply with any provision of AR.178F commits a breach of this Rule and may be penalised.

*JD Walshe
Chief Steward – South East Region Racing NSW*