



INQUIRY INTO THE CIRCUMSTANCES REGARDING THE LATE SCRATCHING OF THE CARL POIDEVIN TRAINED MASTER AGAR FROM THE KEMBLA GRANGE RACE MEETING ON SATURDAY 7 APRIL 2018 WHEN STEWARDS COULD NOT BE SATISFIED THAT THE GELDING HAD NOT BEEN TREATED IN CONTRAVENTION OF THE RULES OF RACING, FOLLOWING A RACEDAY INSPECTION OF MR POIDEVIN'S STABLES CONDUCTED BY RACING NSW STEWARDS IN THE EARLY MORNING OF 7 APRIL 2018

RNSW Offices
Druitt Street
Sydney

8 May 2018

Stewards: M F Van Gestel (Chairman)
T P Moxon

The Stewards today conducted an inquiry into the circumstances regarding the late scratching of the Carl Poidevin trained Master Agar from the Kembla Grange race meeting on Saturday 7 April 2018, when Stewards could not be satisfied that the gelding had not been treated in contravention of the Rules of Racing, following a raceday inspection of Mr Poidevin's stables conducted by Racing NSW Stewards in the early morning of 7 April 2018.

Evidence today was taken from Mr Poidevin, who was assisted by Ms D Laine, Stipendiary Stewards Mr Troy Vassallo and Mr Teague McDonald, Racing NSW Senior Official Veterinarian Dr Craig Suann and Racing NSW Veterinarian Dr Carly Garling.

Stewards also considered the following evidence.

1. DNA Analysis performed by Massey University on a used needle found in Mr Poidevin's bin on 7 April 2018 confirming blood present on the needle was that of Master Agar.
2. Cobalt analysis performed on the following samples taken from Master Agar and Tony's Princess

a. Master Agar

| Date | Time | Sample | Cobalt Level |
|-----------|---------|--------|--------------|
| 7/04/2018 | 7:30am | Blood | 13ug/l |
| 7/04/2018 | 8:47am | Urine | 56ug/l |
| 7/04/2018 | 10:54am | Blood | 13ug/l |

b. Tony's Princess

| Date | Time | Sample | Cobalt Level |
|-----------|--------|--------|--------------|
| 7/04/2018 | 2:15pm | Blood | 13ug/l |
| 7/04/2018 | 2:00pm | Urine | 38ug/l |

3. CCTV taken from the stable premises
4. Data obtained from the imaging of Mr Poidevin's telephone
5. Written statements provided by Racing NSW Veterinarian Dr Meg Brownlow and trainer Mr M Tubman.

When questioned by the Stewards on the morning of 7 April 2018, following a haematoma being discovered on the off side jugular vein of Master Agar, Mr Poidevin on numerous occasions denied having treated Master Agar or Tony's Princess in contravention of the Rules of Racing. At today's inquiry, after initially continuing to deny any knowledge of the treatment to both horses in contravention of the Rules of Racing, Mr Poidevin made admissions to the Stewards that during the late afternoon of 6 April 2018, he injected both Master Agar and Tony's Princess with the following substances.

- 10ml of Hemoplex
- 10ml B12 Folic
- 10ml Cophos B
- 10ml Pre-ferrin

Charge 1 – Injecting a horse during one clear day

Mr Poidevin pleaded guilty under AR178AB(1)(b) in that he, without the permission of the Stewards, injected the horse Master Agar between approximately 5:00pm and 6:00pm on 6 April 2018, when Master Agar was engaged to run in Race 3 – Benchmark 66 Handicap 1600m conducted at Kembla Grange on Saturday 7 April 2018.

Charge 2 – Injecting a horse during one clear day

Mr Poidevin pleaded guilty under AR178AB(1)(b) in that he, without the permission of the Stewards, injected the horse Tony's Princess between approximately 5:00pm and 6:00pm on 6 April 2018, when Tony's Princess was engaged to run in Race 6 – Class 1 Handicap 1200m conducted at Kembla Grange on Saturday 7 April 2018.

Charge 3 – False Evidence

Mr Poidevin pleaded guilty to a charge under AR175(g) in that during an interview and/or investigation conducted by Racing NSW Stewards at his registered stables at 5 Kingston Town Drive Kembla Grange on the morning of Saturday 7 April 2018 and at a Stewards inquiry conducted at the Offices of Racing NSW on 8 May 2018, into whether the racehorse Master Agar was injected or was administered medication in contravention of the Rules of Racing, he gave the false evidence.

Penalty

In determining penalty Stewards gave consideration to the following matters.

1. Serious nature of all three offences.
2. In respect to charge 2 the fact that Tony's Princess raced in the Class 1 Handicap on 7 April 2018 after being injected on 6 April 2018.
3. Personal circumstances relative to Mr Poidevin.

4. Mr Poidevin's record, this being his third offence relative to the use of substances.

Charge 1 – 12 Months disqualification reduced to 9 months for guilty plea.

Charge 2 – 18 Months disqualification reduced to 13 months for guilty plea.

Charge 3 – 12 Months disqualification reduced to 9 months for guilty plea.

Stewards ruled that charges 1 and 2 be served concurrently and that charge 3 cumulatively to charge 1 and 2. Accordingly, Mr Poidevin was disqualified for a period 13 months in total for charge 1 and 2 offences to commence on 8 May 2018 and to expire on 8 June 2019. In respect to charge 3 Mr Poidevin was disqualified for a period to commence on 8 June 2019 and to expire on 8 March 2020, on which day Mr Poidevin may reapply for his licence.

In accordance with the provisions of AR196(6) the commencement of the disqualification was deferred for a period of 7 days, however during this period Mr Poidevin is not to start a horse in a race.

Disqualification of Tony's Princess

In accordance with the provisions of AR178AB(3) the Stewards advised Mr Poidevin that after taking submissions from the owner of Tony's Princess, they shall give consideration as to whether the mare should be disqualified from it's 5th placing in the Class 1 Handicap conducted at Kembla Grange on 7 April 2018.

Relevant Rules

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

(g) Any person who gives at any interview, investigation, inquiry, hearing and/or appeal any evidence which is false or misleading in any particular.

AR 178AB.

- (1) A person must not, without the permission of the Stewards, inject a horse, cause a horse to be injected or attempt to inject a horse, which is engaged to run in any race:*
- (a) at any time on the day of the scheduled race, prior to the start of such event; and*
 - (b) at any time during the One Clear Day prior to 12.01am on the day of the scheduled race.*

RACING NSW – STEWARDS REPORT

- (2) *Where there has been a breach of AR.178AB(1), or the Stewards reasonably suspect that there has been a breach of AR.178AB(1), the Stewards may order the withdrawal of the horse from the relevant race.*
- (3) *Where there has been a contravention of AR.178AB(1), the horse may be disqualified from the relevant race in which it competed.*
- (4) *Any person who breaches, or is a party to a breach of, AR.178AB(1), commits an offence and may be penalised.*
- (5) *For the purpose of this rule:*
 - (a) *injection includes, but is not limited to, the insertion of a hypodermic needle into a horse;*
 - (b) *it is not necessary to establish whether any substance was injected, or the nature of any substance injected.*

AR 1 “Clear Day” means a 24 hour period from 12.01am to 12 midnight.

AR196(6)(a) *Any person or body authorised by these Rules to suspend or disqualify any trainer may defer the commencement of the period of suspension or disqualification for no more than seven Clear Days following the day on which the suspension or disqualification was imposed, and upon such terms and conditions as seen fit.*

(b) *Notwithstanding that the commencement of a period of disqualification may be deferred pursuant to AR196(6)(a), a trainer must not start a horse in any race from the time of the decision to disqualify that trainer until the expiration of the period of disqualification*

M F Van Gestel
Chairman of Stewards