



REASONS FOR DECISION IN DETERMINATION OF CHARGES ISSUED AGAINST LICENSED JOCKEY ADAM HYERONIMUS AND LICENSED STABLEHAND BLAKE PAINE.

Monday 20 July 2020

Stewards: M F Van Gestel (Chairman)
W R Birch
J J Earl

Background

1. It is not the standard practice of the Stewards to provide detailed written reasons nor is there any requirement to do so. These written reasons outline the findings of the Stewards and are not intended to exhaustively detail all of the reasons for the findings of the Stewards.
2. On Tuesday 25 April 2019 Stewards directed jockey Adam Hyeronimus to provide his mobile telephone for forensic imaging following his ride on Wolfe in Race 7 at Randwick on that day. Following a review of the data on the mobile telephone Racing NSW Stewards required Mr Hyeronimus and Mr Paine to attend a Stewards inquiry in respect to communications between both parties which was conducted at Racing NSW Offices on 30 May 2019.
3. At the conclusion of that inquiry Racing NSW Stewards required both parties to provide their bank statements for 2016, 2017, 2018 and 2019. After considering the evidence from the Stewards inquiry, including the mobile telephone data and banks records supplied, the Stewards elected to issue the following charges against Mr Hyeronimus and Mr Paine on 6 August 2019.

Mr Adam Hyeronimus

4. **Charges 1 & 2 - AR115(1)(e) Jockey and apprentice jockey misconduct**

Charge 1 - Had an interest in a bet of \$500 on Lucky Meteor in Race 3 at Canterbury 5 November 2016, when he rode Lucky Meteor in that race.

Charge 2 - Had an interest in a bet of \$500 on Limbo Soul in Race 2 at Rosehill 22 February 2017, when he rode Limbo Soul in that race.

5. **Charges 3 to 31 – AR115(1)(c) Jockey and apprentice jockey misconduct**

Charge 3 to 31 – Between 22 June 2016 and 21 January 2019 he had an interest in 29 bets on thoroughbred racing.

6. **Charge 32 – AR232(i) Failure to observe processes and directions of PRAs or Stewards**

Charge 32 – Did give evidence at a Stewards inquiry conducted on 30 May 2019 in respect to his interest in bets on thoroughbred racing, in the knowledge such evidence was false.

Mr Blake Paine

7. Charge 1 & 2 - AR236 – Betting with or for a jockey

Charge 1 – Placed a bet for jockey Adam Hyeronimus of \$500 on Lucky Meteor in Race 3 at Canterbury 5 November 2016, when Adam Hyeronimus rode Lucky Meteor in that race.

Charge 2 – Placed a bet for jockey Adam Hyeronimus of \$500 on Limbo Soul in Race 2 at Rosehill 22 February 2017, when Adam Hyeronimus rode Limbo Soul in that race.

8. Charges 3 to 31 – AR236 – Betting with or for a jockey

Charge 3 to 31 – Between 22 June 2016 and 21 January 2019 he placed 29 bets on thoroughbred racing for jockey Adam Hyeronimus.

9. Charge 32 – AR232(i) Failure to observe processes and directions of PRAs or Stewards

Charge 32 – Did give evidence at a Stewards inquiry conducted on 30 May 2019 in respect his interest in bets on thoroughbred racing, in the knowledge such evidence was false.

Hearing of Charges

10. The hearing of the charges was delayed after acceding to an application from solicitor Mr P O’Sullivan, representing A Hyeronimus, that the charges should not be determined until a decision in the matter of *Racing NSW v Fletcher* before the NSW Court Of Appeal was handed down in respect to use of mobile telephone data. That decision was handed down on 14 February 2020 and the hearing of the charges was further delayed due to the COVID-19 pandemic.
11. The hearing of charges 1 to 31 in respect of both Mr Hyeronimus and Mr Paine commenced on 6 July 2020 and continued on 7 July 2020 when submissions took place. Mr Hyeronimus, assisted by solicitor Mr Paul O’Sullivan and Mr Paine, assisted by solicitor Mr Matthew Barnes pleaded not guilty to all charges issued against them. It was determined that the hearing of charges 32 in respect of both Mr Hyeronimus and Mr Paine, being the charge of having given false evidence to the Stewards, should take place after the hearing and determination of charges 1 to 31.
12. A Limited Scope Expert Report prepared by Mr Brett Goodyer B.Com MFA FCPA was tendered by Mr Paine on 9 June 2020 in defence of the charges and adopted by Mr Hyeronimus. After consideration of that report by the Stewards in advance of the hearing of the charges, the Stewards amended some of the particulars of the charges. Those amendments are reflected in the amended charges attached to these reasons which were issued to Messrs Hyeronimus and Paine on 10 June 2020. Mr Goodyer attended the hearing of the charges on 6 July 2020 for questioning from the Stewards.

Standard of Proof

13. The applicable standard of proof is to the comfortable satisfaction of the Stewards, being the Briginshaw Standard, as confirmed by the High Court in *Rejcek v McElroy*

“The difference between the criminal standard of proof and the civil standard of proof is no mere matter of words. It is a matter of critical substance. No matter how grave the fact which is to be found in a civil case the mind has only to be reasonably satisfied and has not with respect to any matter in issue in such proceeding to attain that degree of certainty which is indispensable to the support of a conviction upon a criminal charge.”

General Findings – Establishment of a betting pattern

14. On 22 of the 31 occasions that the Stewards allege bets were placed for Mr Hyeronimus by Mr Paine the following pattern of conduct occurred
 - a. Mr Hyeronimus deposited a sum of money into Mr Paine’s NetBank Saver account.
 - b. On the same day Mr Paine then transferred that exact amount on 11 occasions or a similar amount on a further 11 occasions (but not less than the original transfer from Mr Hyeronimus) from his NetBank Saver account into this Complete Access account.
 - c. On the same day Mr Paine then transferred the exact amount transferred into his Complete Access account on 19 occasions or a similar amount on 3 occasions (but not less than the original transfer from the Netbank Saver account) to a Sportsbet account in the name of Mr Paine.
 - d. The transferred funds were then used to place bets using the Sportsbet account in the name of Mr Paine.
15. On other occasions the Stewards allege bets were placed for Mr Hyeronimus by Mr Paine, funds from winning bets for Mr Hyeronimus were used to place additional bets or Mr Paine, whilst receiving funds from Mr Hyeronimus, did not transfer those funds between his accounts but still did deposit funds into the Sportsbet account in his name.
16. Further, data obtained from Mr Hyeronimus’s mobile telephone satisfies Stewards that there are requests for Mr Paine to place bets for Mr Hyeronimus, including on thoroughbred racing and sport, as well as messages sent between the parties establishing Mr Hyeronimus had an interest in the bets being placed. Where applicable that data will be identified in the Stewards findings for the individual charges.
17. Mr O’Sullivan on behalf of Mr Hyeronimus submitted that the Stewards should consider each charge individually, without reference to the totality of the evidence, including that in respect of the other charges. The Stewards do not accept that submission and consider that the correct approach is to have regard to the totality of the evidence particularly in circumstances where the evidence establishes a pattern of conduct such as the transfer of funds between the parties and then bets being placed after such transfers take place.
18. Mr Paine provided evidence that during the period the bets were placed, he was earning approximately \$1000 per week. Mr Paine was employed as a refrigeration mechanic and with the Waterhouse stable as a stablehand and also supplementing his income later by working as a barrier attendant for the Australian Turf Club. A review of the betting data showed no evidence of bets being placed whilst Mr Paine worked as a barrier attendant.

Expert Report

19. Mr Goodyer's Limited Scope Expert Report only considered the financial transactions and he was not provided with any other evidence including Mr Hyeronimus's mobile phone data. His report focused on the obfuscation or commingling of funds in Mr Paine's NetBank Saver or Complete Access accounts. His evidence was that when Mr Paine's cash resources in his accounts were greater than the amount transferred by Mr Hyeronimus, Racing NSW Stewards could not determine that those same funds transferred by Mr Hyeronimus were then transferred to Mr Paine's Sportsbet account to place bets as detailed in the charges. Mr Goodyer stated that whilst there was correlation between the transfer of funds and the bets placed, he did not believe this extended to causation or a definitive relationship between these transactions.
20. Racing NSW Stewards have considered the evidence of Mr Goodyer but are satisfied to the requisite standard that, having regard to the pattern referred to above, that when Mr Hyeronimus transferred the funds to Mr Paine's NetBank Saver account detailed in the applicable charges and whereby guilty findings have been made by the Stewards, that such funds were transferred to fund the said betting activities in which Mr Hyeronimus had an interest in.

Bank Transfer References

21. The majority of the bank transfers from Mr Hyeronimus to Mr Paine were sent with either the reference Gift or Savings. The bank statements determined that between the period 22 June 2016 and 26 November 2018 that approximately \$30,000 was transferred from Mr Hyeronimus to Mr Paine. Transfers from Mr Paine to Mr Hyeronimus for the same period totalled approximately \$11,000 however references for these transfers included Rent, Car, Lotto and Hotels, which the Stewards have determined were the legitimate reasons for the transfers from Mr Paine.
22. On 7 July 2020 Mr Paine produced a number of bank transfers that were made to Mr Hyeronimus on 20 June 2020, 28 January 2020 and 13, 19, 30, 31 and 3 September 2019 totalling approximately \$14,000. These transfers were subsequently validated on additional bank statements provided to Racing NSW on 14 July 2020. None of the references for these transfers include Savings or Gift and when questioned as to what the transfers were for, Mr Paine could not explain what the transfers related to.
23. Further all transfers referred to in paragraph 22 were made after the inquiry was opened on 30 May 2019.
24. Accordingly, the Stewards find that the transfers of funds from Mr Hyeronimus to Mr Paine as identified in the charges were not for gifts or savings but rather to fund the said betting activities as detailed in the charges where there is a guilty finding.

Findings – Individual Charges

25. **Charge 1 – Lucky Meteor A Hyeronimus (AH) AR115(1)(e) & B Paine (BP) AR236**
 - a. On 4 November 2016 AH transferred \$500 to BP NetBank Saver. BP then transferred \$500 from his Complete Access account to his Sportsbet account. At 5:42pm on 4 November 2016 a bet of \$500 win was then placed on Lucky Meteor, a horse AH was riding at Canterbury on 5 November 2016.

RACING NSW STEWARDS – REASONS FOR DECISION

- b. On 31 October 2016, after nominations were released for the Lucky Meteor race AH sent an instant message.

Line	Type	Direction	Date/Time	Text
175	IM	AH to - & -	31/10/2016 20:03	I'm riding lucky meteor. I think it can win

- c. The Stewards are satisfied that the bank transfer on 4 November 2016 was to fund the \$500 win bet placed on Lucky Meteor and having regard to the evidence that Blake Paine placed the said bet for jockey Adam Hyeronimus.
- d. Mr Paine is found guilty of the charge under AR236 and Mr Hyeronimus found guilty of the charge under AR115(1)(e).

26. Charge 2 – Limbo Soul A Hyeronimus AR115(1)(e) & B Paine AR236

- a. On 21 February 2017 AH withdrew \$650 cash from an ATM at Randwick.
- b. At 6:00pm on 21 February 2017, the day before Limbo Soul raced and won at Rosehill Gardens the following message exchange took place between AH and BP.

Line	Type	Direction	Date/Time	Text
226	SMS	AH to BP	21/02/2017 18:00	Just come by yourself
227	SMS	BP to AH	21/02/2017 18:02	Sweet
228	SMS	AH to BP	21/02/2017 18:02	I'll be home in 15
229	SMS	BP to AH	21/02/2017 18:55	I'll be 5mins
231	SMS	AH to BP	21/02/2017 19:32	That thing will probs blow out a bit after the scratchings

AH confirmed that he and BP met at his house that evening. He advised he had wanted to tell BP he was asking his girlfriend to marry him. The Stewards note that there is no conversation between AH and BP regarding this news being shared, but at the conclusion of the pair meeting the message at line 231 was sent. Messages obtained from the AH phone data confirm that AH did not ask his now wife to marry him until 25 August 2017 and are satisfied that AH and BP met at AH house to arrange the placing of the bet on Limbo Soul for AH.

- c. On race morning the following message exchange took place between AH and BP.

Line	Type	Direction	Date/Time	Text
235	SMS	AH to BP	22/02/2017 8:21	How'd you go?
236	SMS	BP to AH	22/02/2017 8:22	Fixed still not out yet
241	SMS	BP to AH	22/2/2017 9:13	9 Fixed 11 Boost
242	SMS	AH to BP	22/2/2017 9:15	Walt said they have been plenty of money for it
243	SMS	BP to AH	22/2/2017 9:19	F..k na didn't let me get that either
244	SMS	BP to AH	22/2/2017 9:19	Got8
245	SMS	BP to AH	22/2/2017 9:24	Walt must of put a house on it

RACING NSW STEWARDS – REASONS FOR DECISION

- d. On 22 February 2017 BP transferred \$600 from his Complete Access account to his Sportsbet account. At 8:19am on 22 February 2017 a bet of \$600 win was then placed on Limbo Soul, a horse AH was riding at Rosehill on 22 February 2017.
- e. Throughout race morning AH communicates with several other associates whereby he advises Limbo Soul “has been backed off the map.”
- f. Following the race being conducted at 1:40pm AH recommences communication with associates about the win and future for the horse and enquires about the price of Limbo Soul in the Golden Slipper.
- g. Commencing at 5:12pm on raceday the following conversation occurs between AH and BP.

Line	Type	Direction	Date/Time	Text
272	SMS	BP to AH	22/2/2017 17:12	Peweew my f.....n man we have a horse on our hands that was nice
274	SMS	AH to BP	22/2/2017 17:34	Geed ay
275	SMS	BP to AH	22/2/2017 17:36	F.....n Oath
276	SMS	BP to AH	22/2/2017 17:36	I had 100 on it swell
277	SMS	BP to AH	22/2/2017 17:38	I still haven't put slipper one on couldn't find it this morning still but can now 26
299	SMS	AH to BP	22/2/2017 19:54	F..k I'm geed. It's a good horse
300	SMS	AH to BP	22/2/2017 19:54	Hope it makes the slipper
303	SMS	BP to AH	22/2/2017 20:26	You slot the slipper il f.....n lose my cool

- h. The Stewards are satisfied that the message in line 276 is meant to mean “I had 100 on it as well.” In response to this BP has advised he does not recall sending the message in 2017 but has submitted that if he told AH he had \$100 on the horse it was because he did not want Adam to know the size of his bet because he had been receiving money from AH. The Stewards reject this submission.
- i. On 23 February 2017 BP withdrew \$4000 (4 x \$1000) from his Sportsbet account using his Sportsbet Cash Card. Given that a bet totalling \$600 was placed on Limbo Soul and that BP advised AH he “*had 100 on it swell* (as well)” the Stewards find that \$500 of that \$600 bet was placed for AH and the result of that winning bet was \$4000 (\$500 @ \$8) which was the exact amount withdrawn from BP Sportsbet account using his Cash Card.
- j. The Stewards are satisfied to the requisite standard that the \$4000 withdrawn was for a winning bet of \$500 on Limbo Soul in which AH had an interest.
- k. Mr Paine is found guilty of the charge under AR236 and Mr Hyeronimus found guilty of the charge under AR115(1)(e).

27. Charge 3 - Niccolance A Hyeronimus AR115(1)(c) & B Paine AR236

- a. On 22 June 2016 AH transferred \$500 to BP NetBank Saver. BP then transferred \$500 from his NetBank Saver to his Complete Access account. BP then transferred \$500 from his Complete Access account to his Sportsbet account. A bet of \$500 win was then placed on Niccolance.
- b. The Niccolance race was scheduled for 1:15pm. At 1:19pm the following exchange between AH and BP took place.

RACING NSW STEWARDS – REASONS FOR DECISION

Line	Type	Direction	Date/Time	Text
23	SMS	AH to BP	22/6/2016 13.19	That's f....d.
24	SMS	BP to AH	22/6/2016 13.19	Had nothing f..k
25	SMS	AH to BP	22/6/2016 13.24	Check your snap

- c. Having regard to the pattern of funds being transferred and all of the evidence, Mr Paine is found guilty of the charge under AR236 and Mr Hyeronimus found guilty of the charge under AR115(1)(c).

28. Charge 4 – Lucky Fish A Hyeronimus AR115(1)(c) & B Paine AR236

- a. As detailed in Charge 3 the following message was sent from AH to BP

Line	Type	Direction	Date/Time	Text
25	SMS	AH to BP	22/6/2016 13.24	Check your snap

AH confirmed that the message meant check your Snapchat (a platform where pictures and messages are usually only available for a short time before they become inaccessible to their recipients). Given that AH and BP were communicating by SMS before, this raises suspicions as to why they then commenced to communicate by Snapchat.

- b. On 22 June 2016 AH transferred \$500 to BP NetBank Saver. BP then transferred \$500 from this NetBank Saver to his Complete Access account. BP then transferred \$500 from his Complete Access account to his Sportsbet account. At 1:31pm a bet of \$500 win was then placed on Lucky Fish.
- c. The Lucky Fish race was scheduled for at 3:45pm. At 3:47pm the following exchange between AH and BP took place.

Line	Type	Direction	Date/Time	Text
28	SMS	BP to AH	22/06/2016 15:47	F..k
29	SMS	AH to BP	22/06/2016 15:58	They f...d around with it this morning. I'm an idiot.
30	SMS	BP to AH	22/06/2016 15:49	What did they do
31	SMS	AH to BP	22/06/2016 15:49	They gave it a little gallop this morning. I would of been filthy if it won with nothing on.
32	SMS	BP to AH	22/06/2016 15:52	D..k heads
33	SMS	AH to BP	22/06/2016 15:54	C..t of a day
34	SMS	BP to AH	22/06/2016 17:26	Ay

Having regard to the messages at line 29 and 31 the Stewards find that the referencing of "I'm an idiot" and "I would of been filthy if it won with nothing on." as being a direct reference that he had an interest in the bet on Lucky Fish.

- d. Having regard to the pattern of funds being transferred and all of the evidence, Mr Paine is found guilty of the charge under AR236 and Mr Hyeronimus found guilty of the charge under AR115(1)(c).

RACING NSW STEWARDS – REASONS FOR DECISION

29. Charge 5 – Thronum A Hyeronimus AR115(1)(c) & B Paine AR236

- a. On 24 June 2016 the following exchange between AH and BP took place.

Line	Type	Direction	Date/Time	Text
35	SMS	AH to -	24/06/2016 18:10	Thronum will win at Kembla tmrw. It's Good horse
36	SMS	AH to BP	24/06/2016 18:12	Thronum will win at Kembla tmrw
37	SMS	BP to AH	24/06/2016 18:12	That's the one u said worked good last week
38	SMS	BP to AH	24/06/2016 18:13	1.80 tho
39	SMS	AH to BP	24/06/2016 18:18	Yeh. Maybe it into dark eyes then. It will win, 1.80 is very short... Maybe wait till the race they might back something else in the race. It won't start any shorter then that. But you might get \$2 before the jump
40	SMS	BP to AH	24/06/2016 18:22	Yeah right just take it on the tote
41	SMS	AH to BP	24/06/2016 18:27	Yeh

- b. On 25 June 2016 AH transferred \$500 to BP NetBank Saver. BP then transferred \$500 from this NetBank Saver to his Complete Access account. BP then transferred \$600 from his Complete Access account to his Sportsbet account. At 10:19am a bet of \$400 win was then placed on Thronum. Thronum won and the winning result was a dividend of \$880.
- c. In the days subsequent to the race the following exchange took place between AH and BP.

Line	Type	Direction	Date/Time	Text
62	SMS	AH to -	25/06/2016 18:07	You get on it
63	SMS	AH to BP	26/06/2016 16:43	Can you give me 380 into my bank please
64	SMS	BP to AH	26/06/2016 16:52	Sweet give me 5 ill tell u wen
65	SMS	AH to BP	26/06/2016 16:55	No hurry
68	SMS	BP to AH	26/06/2016 17:02	Done you alcoholic
69	SMS	BP to AH	28/06/2016 9:22	I just transferd u the other 500
72	SMS	AH to BP	28/06/2016 9:59	I said have it on Iceland

- d. Bank statements confirm on 25 June 2016 \$380 and 28 June 2016 \$500 was transferred to AH Smart Access account from BP Smart Access account with the reference car.
- e. The Stewards find from the SMS exchange and bank statements that the winnings from the Thronum bet, namely \$880 was to be given to AH having regard to the SMS in line 69. Neither AH nor BP have provided an explanation as to why AH requested an unusual sum of \$380 to be deposited into his bank account. The Stewards are satisfied that AH was the beneficiary of the winnings for the bet placed on Thronum.
- f. Having regard to the pattern of funds being transferred and all of the evidence Mr Paine is found guilty of the charge under AR236 and Mr Hyeronimus found guilty of the charge under AR115(1)(c).

RACING NSW STEWARDS – REASONS FOR DECISION

27. Charge 6 – Dark Eyes/Static Lift A Hyeronimus AR115(1)(c) & B Paine AR236

- a. On 25 June 2016 AH transferred \$500 to BP NetBank Saver. BP then transferred \$500 from this NetBank Saver to his Complete Access account. BP then transferred \$600 from his Complete Access account to his Sportsbet account. At 10:19am a bet of \$400 win was then placed on Thronum. At the same time, a further bet of \$100 quinella Dark Eyes/Static Lift is placed.
- b. Having regard to the pattern of funds being transferred, the timing of the bet being placed and all of the evidence Mr Paine is found guilty of the charge under AR236 and Mr Hyeronimus found guilty of the charge under AR115(1)(c).

28. Charge 7 – Bon Equus A Hyeronimus AR115(1)(c) & B Paine AR236

- a. On 30 June 2016 AH transferred \$520 to BP NetBank Saver. BP then transferred \$500 from this NetBank Saver to his Complete Access account. BP then transferred \$500 from his Complete Access account to his Sportsbet account. At 8:59am a bet of \$500 win was then placed on Bon Equus.
- b. The Stewards find that the additional \$20 in the deposit from AH was to fund an interest AH had in a punters club, although such interest has been denied.
- c. Having regard to the pattern of funds being transferred Mr Paine is found guilty of the charge under AR236 and Mr Hyeronimus found guilty of the charge under AR115(1)(c).

29. Charge 8 – El Divino (Golden Rose) A Hyeronimus AR115(1)(c) & B Paine AR236

- a. A review AH mobile phone data detected the following communication.

Line	Type	Direction	Date/Time	Text
77	IM	AH to -	2/08/2016 18:26	Back el divino in the golden rose.
78	SMS	AH to -	3/08/2016 17:12	Have something on el divino to win the golden rose.
79	SMS	- to AH	3/08/2016 17:17	Thanks ledge, already on him, they reckon he's flying hey 🍀
80	SMS	AH to -	3/08/2016 17:18	Yeh good horse. Back him in the lead up races too.
128	SMS	AH to BP	07/09/2016 17:00	Then el Divino won Saturday. Sitting on 32k

- b. On 8 August 2016 AH transferred \$1000 to BP NetBank Saver. BP then transferred \$1000 from this NetBank Saver to his Complete Access account. BP then transferred \$1000 from his Complete Access account to his Sportsbet account. At 4:35pm on 8 August 2016 a bet of \$1000 win was then placed on El Divino in the Golden Rose to be run on 10 September 2016.
- c. The message at Line 128 is to be read in conjunction with Charge 11, where reference is made to a potential profit of a double of \$21,000 on Coonawarra and Purrari on 7 September 2016. Total potential profit for El Divino bet was \$11,000.
- d. Having regard to the pattern of funds being transferred and all of the evidence Mr Paine is found guilty of the charge under AR236 and Mr Hyeronimus found guilty of the charge under AR115(1)(c).

RACING NSW STEWARDS – REASONS FOR DECISION

**30. Charge 9 – El Divino (Run To The Rose) A Hyeronimus AR115(1)(c) & B Paine AR236
Charge 10-El Divino (Run To The Rose) A Hyeronimus AR115(1)(c) & B Paine AR236**

- a. A review of the AH mobile phone data detected the following communication.

Line	Type	Direction	Date/Time	Text
77	IM	AH to -	2/08/2016 18:26	Back el divino in the golden rose.
78	SMS	AH to -	3/08/2016 17:12	Have something on el divino to win the golden rose.
79	SMS	- to AH	3/08/2016 17:17	Thanks ledge, already on him, they reckon he's flying hey 🍀
80	SMS	AH to -	3/08/2016 17:18	Yeh good horse. Back him in the lead up races too.
85	IM	- to AH	9/08/2016 9:18	How'd el divino trial?
86	IM	AH to -	9/08/2016 9:24	Yeh good.
87	SMS	- to AH	22/08/2016 13:48	Ah righto best of luck tomoz I've seen you've been riding a few winners lately 🍀 just read an article where Gai said el divino will win on Saturday, can get 6.50 now
88	SMS	AH to -	22/08/2016 13:50	Yeh his a good horse., fell that rides him everyday reckons he won't get beat this prep. The fav in that race star turn seems like a pretty good horse tho
89	IM	AH to -	22/08/2016 13:52	Yeah the betting is funny cause Sportsbet have star turn 3.8 fav but ladbroskes have it at 5 can get 6 with odds boost
90	SMS	AH to -	22/08/2016 13:55	Really. That's massive odds. Might not be able to get much on tho. Can't not be backing it at 6s it won very good first up
95	SMS	- to AH	22/08/2016 13:59	Can normally have up to 1k on at the odds boost, might be a good play backing it at \$6 and el divino at \$6.50
96	SMS	AH to -	22/08/2016 13:59	Yeh 100%

- b. On 22 August 2016 AH transferred \$1000 to BP NetBank Saver. BP then transferred \$1000 from his NetBank Saver to his Complete Access account. BP then transferred \$1000 from his Complete Access account to his Sportsbet account. At 1:58pm on 22 August 2016 a bet of \$500 win was then placed on El Divino in the Run To The Rose to be run on 27 August 2016.
- c. Further at 7:46am on 23 August 2016 a bet of \$500 win was then placed on El Divino in the Run To The Rose to be run on 27 August 2016.
- d. After the bets are placed on 22 and 23 August 2016 a review of the AH mobile phone data detected the following communication.

Line	Type	Direction	Date/Time	Text
98	SMS	BP to AH	24/08/2016 18:23	El divino to win both races in a multi is

RACING NSW STEWARDS – REASONS FOR DECISION

				\$60
99	IM	AH to BP	25/08/2016 16:32	Yeh lad
100	IM	AH to -	25/08/2016 18:55	Can el divino beat star turn?
101	IM	- to AH	25/08/2016 18:56	I don't think so mate
102	IM	AH to -	25/08/2016 18:56	It's pretty good hey
107	IM	- TO AH	25/08/2016 18:58	What did u think of el divino
108	IM	AH to	25/08/2016 18:59	Very Good horse. If it can beat them Saturday they won't beat him in the golden rose. Evacuation should be in the run to the rose.
109	IM	- to AH	25/08/2016 19:00	Yeh I thought it was strange that it wasn't in there. I loved divino last prep but I'm not sold this time in
110	IM	AH to -	25/08/2016 19:02	His better this time in.

- e. Having regard to the pattern of funds being transferred and all the evidence Mr Paine is found guilty of charges 9 and 10 under AR236 and Mr Hyeronimus found guilty of charges 9 and 10 under AR115(1)(c).

31. Charge 11 – Coonawarra/Purrari Double A Hyeronimus AR115(1)(c) & B Paine AR236

- a. AH rode Coonawarra when it won at its previous race start at Kembla on 13 August 2016.
- b. On 6 September 2016 AH transferred \$200 to BP NetBank Saver. At 6:04pm on 6 September 2016 a bet of \$200 double Coonawarra/Purrari (Race 2 & 3 - 7 September 2016) was then placed.
- c. Whilst there was not any transfer between BP accounts or a deposit into BP Sportsbet account it is noted there were sufficient funds in the Sportsbet account at the time to place the bet. The Stewards are satisfied the \$200 deposit made by AH was for BP to place the bet on behalf of AH.
- d. The Coonawarra race was scheduled for at 2:45pm and the Purrari race scheduled for 3:15pm. Coonawarra finished 2nd and Purrari 1st. Whilst AH did not ride in either race, he rode in race 4 on the day which was scheduled for 3:45pm. At 4:36pm the following exchange between AH and BP commenced.

Line	Type	Direction	Date/Time	Text
125	SMS	AH to BP	07/09/2016 16:36	I'm livered
126	SMS	AH to BP	07/09/2016 16:40	21k f..k
127	SMS	AH to BP	07/09/2016 16:43	Business class to Hong Kong thank you
128	SMS	AH to BP	07/09/2016 17:00	Then el Divino won Saturday. Sitting on 32k
129	SMS	AH to BP	7/09/2016 17:18	Imagine that

- e. The total bet placed was \$200 Coonawarra @ \$10 and Purrari @ \$11 for a total profit of \$21,000 if successful.

RACING NSW STEWARDS – REASONS FOR DECISION

- f. Having regard to the funds transferred from AH to BP and all of the evidence Mr Paine is found guilty of the charge under AR236 and Mr Hyeronimus found guilty of the charge under AR115(1)(c).
- 32. Charge 12 – Caped Crusader A Hyeronimus AR115(1)(c) & B Paine AR236**
- a. AH rode Caped Crusader when placed 2nd at its previous race start on 10 September 2016.
 - b. On 23 September 2016 AH transferred \$1000 to BP NetBank Saver. On 24 September 2016 BP then transferred \$1100 from this NetBank Saver to his Complete Access account. BP then transferred \$1100 from his Complete Access account to his Sportsbet account. At 8:52am on 24 September 2016 a bet of \$1000 win was then placed on Caped Crusader.
 - c. The remaining \$100 deposit was then used to place a \$100 4 folds bet, more consistent with the betting activities of a person with the earning capacity of Mr Paine.
 - d. Having regard to the pattern of funds being transferred and all the other evidence Mr Paine is found guilty of the charge under AR236 and Mr Hyeronimus found guilty of the charge under AR115(1)(c).
- 33. Charge 13 – Hit The Floor A Hyeronimus AR115(1)(c) & B Paine AR236**
- a. AH rode Hit The Floor at its previous race start on 16 April 2016 and its lead up barrier trial on 20 September 2016.
 - b. On 1 October 2016 AH transferred \$1000 to BP NetBank Saver. BP then transferred \$1100 from this NetBank Saver to his Complete Access account. BP then transferred \$1100 from his Complete Access account to his Sportsbet account. At 10:08am on 1 October 2016 a bet of \$1000 win was then placed on Hit The Floor using BP Sportsbet account. Hit The Floor won returning \$3500 including stake.
 - c. The remaining \$100 transfer was used for bets of a \$10 6 folds, \$40 win and \$50 win, more consistent with the betting activities of a person with the earning capacity of Mr Paine.
 - d. Having regard to the pattern of funds being transferred Mr Paine is found guilty of the charge under AR236 and Mr Hyeronimus found guilty of the charge under AR115(1)(c).
- 34. Charge 14 – Selita A Hyeronimus AR115(1)(c) & B Paine AR236**
- a. AH had a good association with Selita having ridden the mare in 3 race starts and a barrier trial on 30 August 2016.
 - b. The following communication was obtained from AH phone data, commencing 30 August 2016.

Line	Type	Direction	Date/Time	Text
119	IM	- to AH	30/08/2016 15:46	What did u think of Selitas trial
120	IM	AH to -	30/08/2016 15:47	Yeh it was good. She's a good mare
121	IM	- To AH	30/08/2016 15:47	Yeh I'm a fan
122	IM	AH to -	30/08/2016 18:09	Yeh. I just hope they don't rush her an save her for the end of the carnival or early summer
130	SMS	BP to AH	13/09/2016 11:10	Why you not on selita yesterday u f...n m....t c..t
131	SMS	AH to BP	13/09/2016 11:11	I was ment to be but I didn't go to the trials

RACING NSW STEWARDS – REASONS FOR DECISION

132	SMS	AH to BP	13/09/2016 11:11	My manager forget to tell me I had trials
133	SMS	AH to BP	13/09/2016 11:12	She'll be right. Clarky rode her for me
135	SMS	AH to BP	16/09/2016 12:13	They tell me I'm 100/1 to keep the ride on selita
136	SMS	BP to AH	16/09/2016 12:14	Flithy c...s.
149	SMS	AH to -	4/10/2016 10:55	Get on selita last race tmrw. Back her today
150	SMS	- To AH	4/10/2016 11:23	Thanks brother, was a big couple of days 🙏🙏

- c. At 2:06pm on 4 October 2016 a bet of \$1000 win was placed on Selita using BP Sportsbet account, such bet being placed with the winning funds from charge 13.
- d. Having regard to the guilty finding for Charge 13 the Stewards find the Selita bet was placed using the winning funds from the Hit The Floor bet and also having regard to the all of the evidence Mr Paine is found guilty of the charge under AR236 and Mr Hyeronimus found guilty of the charge under AR115(1)(c).

35. Charge 15 – Prized Icon A Hyeronimus AR115(1)(c) & B Paine AR236

- a. At 7:04am on 8 October 2016 a bet of \$1000 win was placed on Prized Icon using BP Sportsbet account, such bet being placed with the winning funds from charge 13.
- b. AH rode in races 4 and 8 at Randwick that day.
- c. Commencing 11:17am on 8 October 2016, the following messages were obtained from AH phone data.

Line	Type	Direction	Date/Time	Text
153	IM	- to AH	8/10/2016 11:17	Anything today
154	IM	AH to -	8/10/2016 11:17	I like prized icon. My horse in the 5th is a good chance.
155	IM	- to AH	8/10/2016 11:18	Sweet good luck
156	SMS	AH to BP	8/10/2016 18:39	F..k prized icon maggot
157	SMS	AH to BP	8/10/2016 18:40	I tried to roar around the turn for you but my voice cut out

- d. Having regard to the guilty finding for Charge 13 the Stewards find the Prized Icon bet was placed using the winning funds from the Hit The Floor bet and also having regard to all of the evidence Mr Paine is found guilty of the charge under AR236 and Mr Hyeronimus found guilty of the charge under AR115(1)(c).

36. Charge 16 – Sweet Redemption A Hyeronimus AR115(1)(c) & B Paine AR236

- a. AH had ridden Sweet Redemption in its two lead up barrier trials on 20 and 30 September 2016.
- b. On 12 October 2016 AH transferred \$2000 to BP NetBank Saver. BP then transferred \$2000 from this NetBank Saver to his Complete Access account. BP then transferred \$2000 from his Complete Access account to his Sportsbet account. At 11:39am on 12

RACING NSW STEWARDS – REASONS FOR DECISION

October 2016 a bet of \$2000 win was then placed on Sweet Redemption using BP Sportsbet account.

- c. Having regard to the pattern of funds being transferred and all of the evidence Mr Paine is found guilty of the charge under AR236 and Mr Hyeronimus found guilty of the charge under AR115(1)(c).

37. Charge 17 – El Teniente A Hyeronimus AR115(1)(c) & B Paine AR236

- a. On 20 December 2016 AH transferred \$1000 to BP NetBank Saver. BP then transferred \$1200 from this NetBank Saver to his Complete Access account. BP then transferred \$1200 from his Complete Access account to his Sportsbet account. At 8:02am on 20 December 2016 2 x \$600 win bets were then placed on El Teniente using BP Sportsbet account.
- b. Having regard to the pattern of funds being transferred and all of the evidence Stewards are satisfied Mr Hyeronimus had an interest in \$1000 of the total \$1200 in bets on El Teniente and therefore Mr Paine is found guilty of the charge under AR236 and Mr Hyeronimus found guilty of the charge under AR115(1)(c).

38. Charge 18 – Zenalicious A Hyeronimus AR115(1)(c) & B Paine AR236

- a. Commencing 13 February 2017, the following messages were obtained from AH phone data.

Line	Type	Direction	Date/Time	Text
213	IM	AH to	13/02/2017 09:10	That horse of les's is big odds, did it lose a leg?
214	IM	- to AH	13/02/2017 09:12	Zenalicious
215	IM	AH to -	13/02/2017 09:12	Yeh
216	IM	- to AH	13/02/2017 09:13	Bit short for it & will go back from bad draw. Hard race tho
217	IM	AH to -	13/02/2017 09:13	You'll get in. Speed will be good, it's trial was a cracker

- b. AH did not have a race ride on this day.
- c. On 13 February 2017 AH transferred \$400 to BP NetBank Saver. BP then transferred \$400 from this NetBank Saver to his Complete Access account. BP then transferred \$400 from his Complete Access account to his Sportsbet account. At 3:47pm on 13 February 2017 a bet of \$200 win & place was then placed on Zenalicious using BP Sportsbet account.
- d. Having regard to the pattern of funds being transferred and all of the evidence Mr Paine is found guilty of the charge under AR236 and Mr Hyeronimus found guilty of the charge under AR115(1)(c).

39. Charge 19 – Baby Jive A Hyeronimus AR115(1)(c) & B Paine AR236

- a. AH had ridden Baby Jive in its lead up barrier trial on 26 June 2017.
- b. The following messages were obtained from AH phone data sent at 11:18am on 13 July 2017

Line	Type	Direction	Date/Time	Text
378	SMS	AH to BP	13/07/2017 11:18	That baby jive is in at Wyong today

RACING NSW STEWARDS – REASONS FOR DECISION

380	SMS	AH to -	13/07/2017 11:18	Baby Jive will run good a Wyong
-----	-----	---------	------------------	---------------------------------

- c. On 13 July 2017 AH transferred \$400 to BP NetBank Saver. BP then transferred \$400 from this NetBank Saver to his Complete Access account. BP then transferred \$400 from his Complete Access account to his Sportsbet account. At 11:47pm on 13 February 2017 the following bets totalling \$400 were placed on Baby Jive using BP Sportsbet account, 2 x \$100 win and 1 x \$200 win.
- d. Another bet of \$30 win was placed on Baby Jive, more consistent with the betting activities of a person with the earning capacity of Mr Paine.
- e. Having regard to the pattern of funds being transferred and also having regard to all of the evidence Mr Paine is found guilty of the charge under AR236 and Mr Hyeronimus found guilty of the charge under AR115(1)(c).

40. Charge 20 – Menari/Belflyer/Selita Treble A Hyeronimus AR115(1)(c) & B Paine AR236

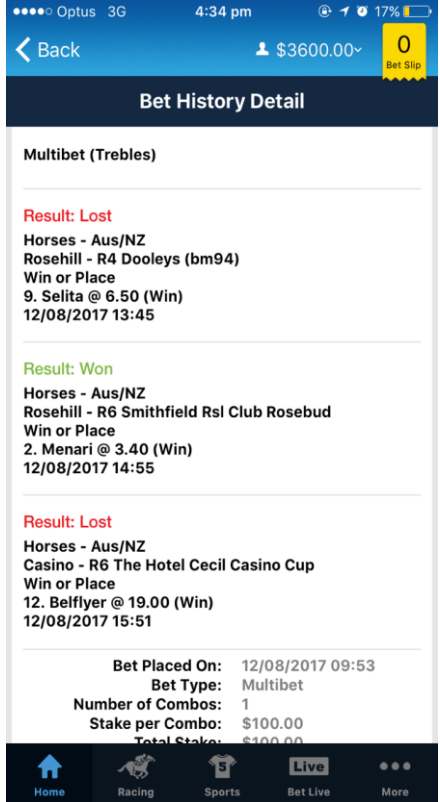
- a. The following messages were obtained from AH phone data commencing at 9:47am on 12 August 2017

Line	Type	Direction	Date/Time	Text
420	SMS	AH to BP	12/08/2017 9:47	I got a tip at Casino
421	SMS	BP to AH	12/08/2017 9:47	What is it
422	SMS	AH to BP	12/08/2017 9:48	Have a 100 all up for me
423	SMS	AH to BP	12/08/2017 9:48	Selita at Rosehill
424	SMS	AH to BP	12/08/2017 9:49	Into menari
425	SMS	AH to BP	12/08/2017 9:49	Into
426	SMS	AH to BP	12/08/2017 9:50	Casino race 6 number 12 byflyer
426	SMS	BP to AH	12/08/2017 9:51	Who tip u that
428	SMS	BP to AH	12/08/2017 9:51	It's 419-1
429	SMS	BP to AH	12/08/2017 9:51	Ahaha
430	SMS	BP to AH	12/08/2017 9:51	100 on it?
431	SMS	AH to BP	12/08/2017 9:51	Yeh
432	SMS	AH to BP	12/08/2017 9:52	The tip is the horse at casino

- b. On 12 August 2017 AH transferred \$1100 to BP NetBank Saver. BP then transferred \$1000 and \$150 from this NetBank Saver to his Complete Access account. BP then transferred \$1000 & \$150 from his Complete Access account to his Sportsbet account. At 9:53am on 12 August 2017 a bet of a \$100 treble Menari/Selita/Belflyer win was then placed using BP Sportsbet account.
- c. The following messages were obtained from AH phone data commencing at 9:55am on 12 August 2017

Line	Type	Direction	Date/Time	Text
439	SMS	AH to BP	12/08/2017 9:55	100 is for that multi

RACING NSW STEWARDS – REASONS FOR DECISION

440	SMS	BP to AH	12/08/2017 9:55	41k haha it's on
441	SMS	AH to BP	12/08/2017 9:55	If it gets up I'll cry
445	SMS	BP to AH	12/08/2017 9:56	Hard haha that will be huge
474	SMS	AH to BP	12/08/2017 16:28	Send me that multi
479	SMS	AH to BP	12/08/2017 16:34	No the one of casino
480	SMS	BP to AH	12/08/2017 16:35	 <p>The screenshot shows a mobile app interface for 'Bet History Detail'. At the top, it says 'Optus 3G', '4:34 pm', and '\$3600.00'. Below that, it says 'Bet Slip 0'. The main heading is 'Bet History Detail'. Underneath, it lists 'Multibet (Trebles)'. There are three result sections:</p> <ul style="list-style-type: none"> Result: Lost Horses - Aus/NZ Rosehill - R4 Dooleys (bm94) Win or Place 9. Selita @ 6.50 (Win) 12/08/2017 13:45 Result: Won Horses - Aus/NZ Rosehill - R6 Smithfield Rsl Club Rosebud Win or Place 2. Menari @ 3.40 (Win) 12/08/2017 14:55 Result: Lost Horses - Aus/NZ Casino - R6 The Hotel Cecil Casino Cup Win or Place 12. Belflyer @ 19.00 (Win) 12/08/2017 15:51 <p>At the bottom, it shows bet details: 'Bet Placed On: 12/08/2017 09:53', 'Bet Type: Multibet', 'Number of Combos: 1', 'Stake per Combo: \$100.00', and 'Total Stake: \$100.00'. The bottom navigation bar has icons for Home, Racing, Sports, Live, and More.</p>

- d. Having regard to the pattern of funds being transferred and all of the evidence Mr Paine is found guilty of the charge under AR236 and Mr Hyeronimus found guilty of the charge under AR115(1)(c).
41. **Charge 21 – Belflyer A Hyeronimus AR115(1)(c) & B Paine AR236**
Charge 22 – Sovereign Nation A Hyeronimus AR115(1)(c) & B Paine AR236
- a. The following messages were obtained from AH phone data commencing at 9:47am on 12 August 2017

Line	Type	Direction	Date/Time	Text
420	SMS	AH to BP	12/08/2017 9:47	I got a tip at Casino
421	SMS	BP to AH	12/08/2017 9:47	What is it
432	SMS	AH to BP	12/08/2017 9:52	The tip is the horse at casino

- b. On 12 August 2017 AH transferred \$1100 to BP NetBank Saver. BP then transferred \$1000 and \$150 from this NetBank Saver to his Complete Access account. BP then

RACING NSW STEWARDS – REASONS FOR DECISION

transferred \$1000 & \$150 from his Complete Access account to his Sportsbet account. At 9:58am on 12 August 2017 a bet of \$500 place was then placed on Belflyer using BP Sportsbet account.

- c. The following messages were obtained from AH phone data commencing at 10:02am on 12 August 2017.

Line	Type	Direction	Date/Time	Text
448	SMS	BP to AH	12/08/2017 10:02	Iv got 500 on the place so far keep declining the 500 so il wait abit an try again
449	SMS	BP to AH	12/08/2017 10:03	The other 500*
450	SMS	AH to BP	12/08/2017 10:03	Lol
451	SMS	BP to AH	12/08/2017 10:03	There f....n maggets ay
452	SMS	AH to BP	12/08/2017 10:04	Bet they change the price
453	SMS	BP to AH	12/08/2017 10:06	Full did its 4.80
454	SMS	BP to AH	12/08/2017 10:07	Went to try again still won't let me says stake is to high
455	SMS	AH to BP	12/08/2017 10:12	Don't worry about it then
456	SMS	BP to AH	12/08/2017 10:15	Ill try again but later see how we go

- d. Belflyer placed second @ \$5.00 place for a total win of \$2500.
- e. The following messages were obtained from AH phone data commencing at 10:30am on 12 August 2017.

Line	Type	Direction	Date/Time	Text
457	SMS	AH to BP	12/08/2017 10:30	What was Reggie tipping ?
458	SMS	BP to AH	12/08/2017 10:30	His in race 3
459	SMS	AH to BP	12/08/2017 10:31	Have that money on it to win then

- f. At 10:32am on 12 August 2017 a bet of \$500 win was then placed on Sovereign Nation ridden by Regan Baylis (Reggie) in race 3 using BP Sportsbet account.
- g. The following messages were obtained from AH phone data commencing at 10:32am on 12 August 2017.

Line	Type	Direction	Date/Time	Text
461	SMS	BP to AH	12/08/2017 10:32	Ok
462	SMS	BP to AH	12/08/2017 10:32	Done
463	SMS	BP to AH	12/08/2017 10:35	274 cash out
464	SMS	BP to AH	12/08/2017 10:35	Let it ride son
465	SMS	AH to BP	12/08/2017 10:35	Ride it

RACING NSW STEWARDS – REASONS FOR DECISION

466	SMS	BP to AH	12/08/2017 10:39	Could be a very good day or very bad I got 300 on reggie aswell
467	SMS	AH to BP	12/08/2017 10:39	Lol
468	SMS	BP to AH	12/08/2017 10:40	This is huge day
469	SMS	BP to AH	12/08/2017 13:28	Yew

- h. Sovereign Nation won returning sum of \$1000. Combined with the Belflyer bet a total return of \$3500.
- i. The following message was obtained from AH phone data sent at 4:22pm on 12 August 2017.

Line	Type	Direction	Date/Time	Text
473	SMS	BP to AH	12/08/2017 16:22	Youv got 3.5k

- j. Bets totalling \$1600 were placed using BP Sportsbet account on 12, 15 and 19 August 2017 including bets in charges 23, 24 and 25 and a UK football bet of \$500 as discussed in messages between AH and BP.
- k. \$1000 was withdrawn on 22 August 2017 and \$900 withdrawn on 23 August 2017 from BP Sportsbet account using BP Sportsbet cash card. Stewards are satisfied this is the remaining winning funds from successful bets in charges 21 and 22, in which AH had an interest in.
- l. Having regard to the pattern of funds being transferred and all of the evidence, Mr Paine is found guilty of the charges 21 and 22 under AR236 and Mr Hyeronimus found guilty of the charges 21 and 22 under AR115(1)(c).

42. Charge 23 – Prince Of The Turf A Hyeronimus AR115(1)(c) & B Paine AR236

- a. Commencing 11:34am on 14 August 2017, the following messages were obtained from AH phone data.

Line	Type	Direction	Date/Time	Text
501		BP to AH	14/08/2017 11:34	What was that horse tomorrow
502		BP to AH	14/08/2017 11:34	You said Walt thinks can win
503		AH to BP	14/08/2017 11:44	What?
504		BP to AH	14/08/2017 11:44	Lastnight you where sayin
505		AH to BP	14/08/2017 11:45	Last race. Johns horse
506		BP to AH	14/08/2017 11:45	Oh other John
507		BP to AH	14/08/2017 11:45	Whoops lols
508		BP to AH	14/08/2017 11:46	Prince of the turf
509		AH to BP	14/08/2017 11:46	Yeh
510		BP to AH	14/08/2017 11:48	Yew

RACING NSW STEWARDS – REASONS FOR DECISION

- b. At 2:08pm on 15 August 2017 a bet of \$500 win was placed on Prince Of The Turf using BP Sportsbet account, such bet being placed with the winning funds from charges 21 and 22.
- c. Commencing 4:28pm on 15 August 2017, the following messages were obtained from AH phone data.

Line	Type	Direction	Date/Time	Text
546	SMS	AH to BP	15/08/2017 16:28	It's blown out to 8.50
547	SMS	AH to BP	15/08/2017 16:28	Not a good sign
548	SMS	BP to AH	15/08/2017 16:29	F..k me
549	SMS	BP to AH	15/08/2017 16:37	F..k
550	SMS	AH to BP	15/08/2017 16:39	Never a good sign
551	SMS	BP to AH	15/08/2017 16:39	Yer that's f....d
552	SMS	AH to BP	15/08/2017 16:39	C..t of a ride
553	SMS	AH to BP	15/08/2017 16:39	F..k John
562	SMS	AH to BP	18/08/2017 17:33	So how money of mine do you have ?
563	SMS	BP to AH	18/08/2017 17:39	2.5
564	SMS	AH to BP	18/08/2017 17:58	Including the money from P..s
565	SMS	BP to AH	18/08/2017 18:03	Oh yer I got 300 cash from him
566	SMS	BP to AH	18/08/2017 18:03	So 2.8
567	SMS	AH to BP	18/08/2017 18:03	Ok
568	SMS	BP to AH	18/08/2017 18:03	2.5 in account an 300 cash

- d. After the Prince Of the Turf bet is placed there is a total of \$2500 in the BP Sportsbet account. The Stewards are satisfied this is the amount BP is referring to in the SMS message in line 568.
- e. Having regard to the finding of guilt for charges 21 and 22 the Stewards find the Prince Of The Turf bet was placed using the winning funds from winning bets in charges 21 and 22 and also having regard to all of the evidence Mr Paine is found guilty of the charge under AR236 and Mr Hyeronimus found guilty of the charge under AR115(1)(c).
43. **Charge 24 – Ploverset A Hyeronimus AR115(1)(c) & B Paine AR236**
- a. At 12:00pm on 19 August 2017 a bet of \$300 win was placed on Ploverset using BP Sportsbet account, such bet being placed with the winning funds from charges 21 and 22.
- b. Ploverset was ridden by Reggie (Regan Baylis).
- c. Having regard to the guilty finding for Charges 21 and 22 the Stewards find the Ploverset bet was placed using the winning funds from the winning bets in charges 21 and 22, Mr Paine is found guilty of the charge under AR236 and Mr Hyeronimus found guilty of the charge under AR115(1)(c).

44. **Charge 25 – Boomtown Rat A Hyeronimus AR115(1)(c) & B Paine AR236**
- a. AH rode Boomtown Rat in its previous race start on 4 August 2017.
 - b. At 12:08pm on 19 August 2017 a bet of \$300 win was placed on Boomtown Rat using BP Sportsbet account, such bet being placed with the winning funds from charges 21 and 22.
 - c. Having regard to the guilty finding for Charges 21 and 22 the Stewards find the Boomtown Rat bet was placed using the winning funds from the winning bets in charges 21 and 22, Mr Paine is found guilty of the charge under AR236 and Mr Hyeronimus found guilty of the charge under AR115(1)(c).
45. **Charge 26 – The Bull A Hyeronimus AR115(1)(c) & B Paine AR236**
- a. The Bull was trained previously by the Waterhouse stable.
 - b. On 18 January 2018 AH transferred \$1000 to BP NetBank Saver. BP then transferred \$800 from his Complete Access account to his Sportsbet account. At 12:00pm on 18 January 2018 a bet of \$500 place was then placed on The Bull using BP Sportsbet account.
 - c. It is noted by the Stewards that there was no transfer between BP accounts and at the time of the deposit by BP into his Sportsbet account from his Complete Access account there was only \$936.11 available.
 - d. The Stewards have identified bets on the Tennis and a greyhound race do occur in addition to the \$500 bet on The Bull totalling \$1000.
 - e. Having regard to the pattern of funds being transferred and whilst the exact amount deposited by AH was not transferred between accounts and to the BP Sportsbet account having regard to all of the evidence, Mr Paine is found guilty of the charge under AR236 and Mr Hyeronimus found guilty of the charge under AR115(1)(c).
46. **Charge 27 – Eye Guy A Hyeronimus AR115(1)(c) & B Paine AR236**
- a. On 15 July 2018 AH transferred \$1000 to BP NetBank Saver. BP then transferred \$1000 from this NetBank Saver to his Complete Access account. BP then transferred \$1000 from his Complete Access account to his Sportsbet account. At 4:04pm on 15 July 2018 a bet of \$1000 win was then placed on Eye Guy using BP Sportsbet account.
 - b. On 15 July 2018 a further bet of \$300 is placed My Kind Of Man, noting the BP Sportsbet account had a balance of \$300 before the \$1000 transfer.
 - c. Eye Guy won @ \$3.10, for a total payout total payout (including stake) for the \$1000 bet being \$3100.
 - d. On 15 July 2018 \$4000 was transferred from BP Sportsbet account to BP Complete Access account. On 18 July 2018 \$3100 was withdrawn from BP Complete Access account.
 - e. The Stewards are satisfied to the requisite standard that the \$3100 withdrawn from the BP Complete Access account was for winning funds from the Eye Guy bet in which AH had an interest in.
 - f. Having regard to the pattern of funds being transferred, the withdrawal of \$3100 and all of the evidence, Mr Paine is found guilty of the charge under AR236 and Mr Hyeronimus found guilty of the charge under AR115(1)(c).
47. **Charge 28 – My Kind Of Man A Hyeronimus AR115(1)(c) & B Paine AR236**
- a. On 20 July 2018 AH transferred \$1000 to BP NetBank Saver. BP then transferred \$1000 from this NetBank Saver to his Complete Access account. BP then transferred \$1000 from

his Complete Access account to his Sportsbet account. At 8:35pm on 20 July 2018 a bet of \$1000 win was then placed on My Kind Of Man using BP Sportsbet account.

- b. Having regard to the pattern of funds being transferred and all of the evidence Mr Paine is found guilty of the charge under AR236 and Mr Hyeronimus found guilty of the charge under AR115(1)(c).

48. Charge 29 – Sandtop A Hyeronimus AR115(1)(c) & B Paine AR236

- a. On 21 July 2018 AH transferred \$1000 to BP NetBank Saver. On 22 July 2018 BP then transferred \$500 from this NetBank Saver to his Complete Access account. BP then transferred \$500 from his Complete Access account to his Sportsbet account. At 4:45pm on 22 July 2018 a bet of \$700 win was then placed on Sandtop using BP Sportsbet account. It is noted that a transfer of \$1000 from BP NetBank Saver to BP Complete Access account was also made on 21 July 2018.
- b. Sandtop won @ \$4.40 returning a total of \$3080. On 23 July 2018 \$3100 was transferred from BP Sportsbet account to his Complete access account. On 26 July 2018 \$2000 was withdrawn from the Complete Access account.
- c. Whilst the amount withdrawn is not exactly the wining prize of \$2200 (for a \$500 portion of the \$700 bet) having regard to the pattern of funds being transferred and all of the evidence Mr Paine is found guilty of the charge under AR236 and Mr Hyeronimus found guilty of the charge under AR115(1)(c).

49. Charge 30 – Double Golden Years/Attention A Hyeronimus AR115(1)(c) & B Paine AR236

- a. On 19 August 2018 AH transferred \$1000 to BP NetBank Saver. BP then transferred \$1000 from this NetBank Saver to his Complete Access account. BP then transferred \$1000 from his Complete Access account to his Sportsbet account. At 3:08pm on 19 August 2018 a bet of \$1000 Double Golden Years/Attention was placed using BP Sportsbet account.
- b. Having regard to the pattern of funds being transferred and all of the evidence, Mr Paine is found guilty of the charge under AR236 and Mr Hyeronimus found guilty of the charge under AR115(1)(c).

50. Charge 31 – Gingerella A Hyeronimus AR115(1)(c) & B Paine AR236

- a. On 13 January 2019 BP transferred \$1000 from this NetBank Saver to his Complete Access account. BP then transferred \$1000 from his Complete Access account to his Sportsbet account. At 1:05pm on 13 January 2019 a bet of \$1000 on Gingerella was placed using BP Sportsbet account.
- b. Having regard to AH not transferring funds into BP account prior to the bet being placed, the Stewards are not satisfied to the requisite standard that Mr Paine placed the bet for Mr Hyeronimus and accordingly Mr Paine is found not guilty of the charge under AR236 and Mr Hyeronimus found not guilty of the charge under AR115(1)(c).

Hearing of Charge 32 and Penalty Determination

51. Having found Mr Paine and Mr Hyeronimus guilty of 30 of the 31 charges, the Stewards will now set a date to consider charge 32 and to consider penalty in respect to the charges both have been found guilty of.

Relevant Rules

AR115(1)(e) Jockey and apprentice jockey misconduct

(1) A jockey or apprentice jockey must not:

(c) bet, or have any interest in a bet, or facilitate a bet, on any race;

(e) bet, or have any interest in a bet, on any race or contingency relating to thoroughbred racing involving a race in which he or she is riding.

(3) If a jockey or apprentice jockey breaches subrule (1)(e), a disqualification of not less than 2 years must be imposed unless there is a finding that a special circumstance exists, in which case that penalty may be reduced.

AR 232 Failure to observe processes and directions of PRAs or Stewards

A person must not:

(i) give any evidence at an interview, investigation, inquiry, hearing and/or appeal which is false or misleading.

AR 236 Betting with or for a jockey

A person must not bet with or for a jockey or apprentice jockey, or give or offer a rider any pecuniary or other gift or consideration, contrary to these Australian Rules.

**M F Van Gestel
Chairman of Stewards
General Manager - Integrity**