

RACING APPEAL PANEL OF NEW SOUTH WALES

APPEAL OF LICENSED JOCKEY ADAM HYERONIMUS

APPEAL OF LICENSED STABLEHAND BLAKE PAINE

Appeal Panel: **Mr R. Beasley SC (Principal Member); Ms J. Madsen; Mr C. Tuck**

Appearances: **Mr M Van Gestel for Racing NSW
Mr Paul O'Sullivan, Solicitor, for the Appellant Hyeronimus
Mr B Hart, Barrister (21 and 22 September 2020) and Mr M Barnes, Solicitor (9 November and 10 December 2020) for the Appellant Paine**

Dates of Hearing **21, 22 September 2020; 9 November 2020; 10 December 2020**

Date of Decision **24 February 2021 (corrections made 2 March 2021)**

**REASONS FOR DECISION ON APPEAL AGAINST FINDINGS OF BREACH OF
RULES**

Introduction

1. On 30 May 2019, Racing NSW Stewards commenced an inquiry into the betting activities of Licensed Stablehand Mr Blake Paine. In the course of that inquiry, Mr Paine was charged with 31 breaches of the Australian Rules of Racing.
2. Each charge was brought under AR236 of the Rules, which provides as follows:

“AR236 Betting with or for a jockey

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

3. Charges 1 and 2 brought against Mr Paine related to betting for a jockey in contravention of AR115(1)(e), which provides as follows:

“AR115 Jockey and apprentice jockey misconduct

(1) A jockey or apprentice jockey must not:

...

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

4. Charges 3 to 31 related to betting for a jockey in breach of AR115(1)(c), which is in the following terms:

“AR115 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.

5. The jockey in question was Mr Adam Hyeronimus. He too was charged with 31 breaches of the Rules, relating to conduct that was the subject of the charges brought against Mr Paine. Charges 1 and 2 alleged a breach of AR115(1)(e) – that is, they allege that Mr Hyeronimus had a bet in a race in which he was riding. Charges 3 to 31 alleged breaches of AR115(1)(c) relating to providing funds to Mr Paine in order for Mr Paine to put bets on thoroughbred racing for Mr Hyeronimus.
6. On 20 July 2020, the Stewards found both Mr Paine and Mr Hyeronimus guilty of all charges, save for charge 31. They provided a written statement of their reasons dated 20 July 2020.

7. Mr Paine and Mr Hyeronimus were also subsequently charged with a breach of AR232, which is in the following terms:

“AR232 Failure to observe processes and directions of PRAs or Stewards

A person must not:

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

8. These charges related to what the Stewards allege was false evidence given by both Mr Paine and Mr Hyeronimus at the Stewards’ Inquiry on 30 May 2019. The particulars to Charge 32 in respect to each Appellant are set out in the Charge Sheets which are annexed to these Reasons for Decision and marked “A”. They were found guilty of charge 32 on 13 August 2020.
9. On 17 August 2020, the Stewards provided written reasons for their decision on penalty in relation to the findings of breaches of the Rules.
10. In relation to charges 1 and 2 brought against Mr Hyeronimus, a mandatory minimum penalty of a 2-year disqualification applies. This was imposed for each charge. For charges 3 to 30, the Stewards imposed a total penalty of a 12-month disqualification. A 12-month disqualification was also imposed on Mr Hyeronimus for the finding of guilt made in relation to charge 32. The total disqualification period for Mr Hyeronimus – if unaltered - would have been 6 years. Ultimately, the Stewards chose to penalise Mr Hyeronimus in the following manner:
- (a) Charges 1 and 2: 2-year disqualification for each charge, to be served concurrently.
- (b) Charges 3-30: 12-month disqualification, with 6 months of that to be served concurrently with the penalty imposed for charges 1 and 2.
- (c) Charge 32: 12-month disqualification, with 6 months of that penalty to be served concurrently with the penalty imposed for charges 1 and 2.

11. The total penalty therefore imposed on Mr Hyeronimus was a 3-year disqualification, which commenced on 18 August 2020, but has been the subject of a period of stay.
12. Mr Paine was penalised by way of an 18-month disqualification for each of charges 1 and 2. A 9-month disqualification was imposed for charges 3 to 30, and a 12-month disqualification in relation to charge 32. This would have led to a total penalty of a 4-year 9-month disqualification. The Stewards, however, imposed a penalty of a 2 year and 4-month disqualification by penalising Mr Paine in the following manner:
 - (a) Charges 1 and 2: 18-month disqualification for each charge, to be served concurrently.
 - (b) Charges 3 to 30: 9-month disqualification imposed, but with 5 months of that disqualification to be served concurrently with the penalty imposed for charges 1 and 2.
 - (c) Charge 32: 12-month disqualification imposed, but with 6 months of that disqualification to be served concurrently with the penalty imposed for charges 1 and 2.
13. On 18 August 2020, Mr Paine and Mr Hyeronimus lodged appeals against both the finding of breach of the Rules, and the severity of the penalties imposed upon them.
14. On 21 August 2020, the Principal Member granted both of the Appellants a stay on the penalties imposed upon them. This stay was lifted after the Appellants pleaded guilty to charges 20 to 22 brought against them on day 2 of their appeal hearing (22 September 2020).

Appeal Hearing

15. The Appellants' appeals in relation to the Stewards' findings of breach were heard together on 21 and 22 September, 9 November, and 10 December (submissions) 2020.

16. The Stewards were represented at the appeal hearing by Mr Marc Van Gestel, the Chairman of Stewards. The Appellant Hyeronimus was represented by Mr Paul O'Sullivan, solicitor. The Appellant Paine was represented by Mr B Hart, Barrister (21 and 22 September) and M. Barnes, solicitor (on 9 November and 10 December 2020).
17. Both Appellants gave oral evidence. Appeal Books were tendered which included the transcript of the Stewards' Inquiry, and the exhibits from it. At the conclusion of the appeal hearing, the parties were given leave to lodge written submissions, and oral submissions were then heard by the Panel on 10 December 2020.

Guilty plea to charges 20 to 22

18. As stated above, on the morning of the second day of the appeal, both Appellants through their lawyers indicated that they wished to change their plea from "not guilty" to "guilty" in respect of charges 20, 21 and 22.
19. The particulars of charge 20 brought against Mr Hyeronimus were that he breached AR115(1)(c) because he had an interest in a \$100 treble bet involving the horses Menari, Selita and Bellflyer on 12 August 2017. The circumstances alleged were that Mr Hyeronimus deposited \$1,100 from his bank account into an account belonging to Mr Paine. Mr Paine subsequently transferred \$1,100 into another bank account, and subsequently into his Sportsbet account. The particulars of charge 20 brought against Mr Paine outline an almost identical factual scenario.
20. For charge 21 it was alleged that Mr Hyeronimus breached AR115(1)(c) by having a bet of \$500 on Bellflyer at Casino on 12 August 2017. It was alleged this was related to the same \$1,100 transferred from Mr Hyeronimus' bank account to Mr Paine's bank account referred to above. The same particulars were alleged against Mr Paine in relation to his breach of AR236.
21. Similar particulars were alleged in relation to charge 22 that involved Mr Hyeronimus admitting having breached AR115(1)(c) by having an interest in a \$500 bet placed by Mr Paine on the horse Sovereign Nation also on 12 August 2017.

22. Amongst the evidence tendered at the Stewards Inquiry and on the appeal were text messages recovered from Mr Hyeronimus' phone. In relation to charge 20, the text evidence revealed that on the morning of 12 August 2017 Mr Hyeronimus sent a text message to Mr Paine in which he said, "I got a tip at casino". There followed the following text message exchanges:

BP to AH: "What is it?"

AH to BP: "Have 100 all up for me"

AH to BP: "Selita at Rosehill"

AH to BP: "Into Menari"

AH to BP: "Into"

AH to BP: "Casino race 6 number 12 Byflyer".

23. The guilty pleas entered by both Appellants in relation to charges 20 to 22 have left the Panel with the task of resolving the appeals in relation to charges 1 to 19 and 23 to 32 (excluding charge 31).

Further Background Facts

Relationship between Mr Hyeronimus and Mr Paine

24. Both Appellants are young men, although Mr Hyeronimus is an experienced jockey. He is 30 years of age, and has been a licensed rider for 12 years. The Appellant Paine is 23 years of age now (but was 19-21 years at the time of the alleged betting activity), and has worked variously as a licensed stablehand, as a track rider (including for the Waterhouse and Bott stables), and as a barrier attendant for the ATC.

25. The Appellants are cousins. They gave evidence that they have a close relationship, which is accepted by the Panel. They said in their evidence that they are in communication almost on a daily basis. The evidence, including the text message evidence, bears this out.

Betting conduct

26. While the evidence – both written and oral – will be examined in relation to each of the charges, with the exception of the charges they have pleaded guilty to (20 to 22), the Appellants deny that the funds supplied by Mr Hyeronimus from his bank account to Mr Paine’s bank account were for the purposes of Mr Paine putting bets on (via his Sportsbet account) for Mr Hyeronimus. For all charges save 20 to 22 (and 32), Mr Paine says the relevant bet or bets placed were his own bets. Mr Hyeronimus denies that Mr Paine put bets on for him as alleged.
27. Although the evidence will be dealt with in more detail later in these reasons, both Appellants gave explanations as to why Mr Hyeronimus was transferring money on many occasions from his bank accounts into Mr Paine’s bank account at times that were closely proximate to Mr Paine then engaging in betting activity (often for the same amounts that Mr Hyeronimus had transferred). Mr Hyeronimus sometimes described these transfers of money to Mr Paine as a “gift”. On other occasions, the funds were described as Mr Hyeronimus’ money, that he was transferring to Mr Paine’s account as some kind of means of “enforced savings”. In other words, the design was for Mr Hyeronimus to transfer his money into Mr Paine’s bank accounts so that it could be kept safe there. The word “gift” or “savings” was frequently used by Mr Hyeronimus for the bank transactions where he transferred money to Mr Paine. Occasionally, other descriptions were given for these transfers.
28. The Stewards did not believe any of the explanations provided to them by the Appellants in relation to the betting activity. They took the view that the banking records, bets placed from Mr Paine’s Sportsbet account, and the text messages established a clear pattern. That is, Mr Hyeronimus would deposit a sum of money into Mr Paine’s Netbank Saver account. Mr Paine would then usually transfer the exact same amount (or almost equivalent amount) of money from his Netbank Saver

account into a Complete Access account. He would later transfer that amount of money into his Sportsbet account, whereupon he would then place bets on horses in races on Mr Hyeronimus' behalf. Frequently, but not always, these bets coincided with text messages exchanged between the Appellants in which there was at least a discussion about the horses that were being bet on.

29. In the written and oral submissions made on behalf of both Appellants, the Panel was cautioned against considering the totality of the evidence when making a determination on the individual charges. For Mr Hyeronimus it was submitted that the Stewards' asserted "betting pattern" should not apply to charges 1 and 2: reply submissions of Adam Hyeronimus at [4]. The submission of the Appellants is that each charge "must be considered separately having regard to the evidence available for each charge". A similar submission was made in the written submissions in chief on behalf of Mr Paine where the Panel was asked to consider at least the "inherent dangers" in relation to "tendency evidence": Paine submissions in chief at [27]-[29].
30. In the Panel's view, we are entitled to consider the totality of all the evidence when reaching a decision in relation to individual charges. We are of the view that the totality of the evidence – that is, the bank transfers, the Sportsbet transactions and the text messaging – does establish a pattern of betting as alleged by the Stewards. We do not consider we have to ignore, or should ignore, that totality of evidence when assessing, for the purposes of an appeal such as this, whether the Appellants should be found to have breached the relevant Rules of Racing. That is not to say that the evidence in relation to individual charges is not sufficient on its own for the Panel to be comfortably satisfied that the appellants are guilty of the breaches as charge. As will be seen from our findings in relation to the individual charges, it is.
31. We consider our approach is consistent with the provisions of s.43 of the *Thoroughbred Racing Act 1996* which outlines the procedure that the Panel is to adopt on an appeal. Relevantly, s.43 is in the following terms:

"43 Procedure on appeal

(1) An appeal to the Appeal Panel is to be by way of new hearing and fresh evidence, or evidence in addition or in substitution for the

evidence on which the decision appealed against was made, may be given on appeal.

(2) The Appeal Panel may subject to this Act and the local rules of Racing New South Wales determine its own procedure.

(3) On an appeal the Panel:

- (a) is not bound to act in any formal manner, and
- (b) is not bound by the rules of evidence and may inform itself on any matter in any way that it considers to be just, and
- (c) is to make its decision on the real merits and justice of the case and is not bound to follow strict legal precedent.”

32. While we will outline our findings in relation to individual charges, the totality of the evidence has satisfied us that a course of conduct existed between the Appellants whereby the Appellant Hyeronimus provided funds to the Appellant Paine in order to cover amounts he directed Paine to put as bets on horse races on his (Hyeronimus’) behalf. We are not only comfortably satisfied that this is what has occurred to a *Briginshaw* standard, we are in no doubt of it.

33. The various explanations given by Mr Hyeronimus for the transfer of funds to Mr Paine – for example, that the money transferred was a “gift”, or was a means by which Mr Hyeronimus would save money – are rejected. They make no sense, and, in our view, are not the truth. The various “gifts”, and amounts described as “savings” from the bank transactions between Mr Hyeronimus and Mr Paine are set out at Exhibit 12. This exhibit shows multiple alleged gifts from Mr Hyeronimus to Mr Paine from 22 June 2016 to 26 November 2018, in amounts of up to \$2000. On occasion, \$1,000 “gifts” are made in short periods of time:

\$1,000 on 8/8/16;

\$1,000 on 15/8/16;

\$1,000 on 22/8/16;

\$1,000 on 15/7/18;

\$1,000 on 20/7/18;

\$1,000 on 21/7/18.

The same can be said of \$500 transactions:

\$500 on 22/6/16;

\$500 on 25/6/16;

\$500 on 30/6/16.

34. Nothing like a satisfactory explanation was given by either Appellant as to these alleged “gifts”. Mr Paine’s evidence included “I used to get everything I wanted”: T67.3281. He said if he told Mr Hyeronimus he needed money he “would get it”: T73.3585. He would sometimes bet with this transferred money, but in circumstances where he sometimes had sufficient funds in his bank or Sportsbet account to make a particular bet. Mr Paine seemed unable to remember what the alleged gifts were for. This included the three \$1,000 gifts made on 15, 20 and 20 July 2018: T83.4075-85. Mr Hyeronimus’ evidence was that Mr Paine would ask him for money and he would just give it to him, no questions asked: T171.8465-72. He says he would not ask what it was for: T174.8602-8610. The Panel rejects this as being truthful evidence. These transactions are not gifts of money. They were sums transferred by Mr Hyeronimus to Mr Paine for the purposes of Paine putting bets on for Hyeronimus.
35. The evidence about alleged “savings” is equally implausible. Mr Paine says he has a safe at home, and kept cash for Hyeronimus in it on occasions: T87.4285-4322, 88.4342-5. Of course, this cannot apply to electronic transfers of funds described as “savings” from Exhibit 12. Hyeronimus said he made these transactions because “I didn’t want to blow the money”: T176.8694. The Panel rejects these explanations. They are inherently unbelievable. Mr Hyeronimus was not using his young (19 years of age in 2016) cousin’s bank account as his own “savings” account. Tracked with the betting activity, we are in no doubt that the transactions described as “savings” are transactions by which Hyeronimus transferred funds to Paine in order to cover bets he had Paine place for him on horses.
36. On multiple occasions the evidence shows that Mr Paine and Mr Hyeronimus exchanged text messages about horse races and certain horses. At or near the same time, money was transferred from Mr Hyeronimus’ bank account to one of Mr Paine’s bank accounts. A similar or identical amount was then transferred into another bank

account of Mr Paine's, and then into his Sportsbet account, from which he made bets of either the same or nearly the same amount of money on horses or races that had been the subject of discussion via text. These are not coincidences. These cumulatively (and sometimes individually) large sums of money were not gifts from Mr Hyeronimus to Mr Paine. They were not the means by which Mr Hyeronimus sought to save money. We are in no doubt that the answer in relation to all of the betting charges brought by the Stewards against the Appellants is this: Mr Hyeronimus transferred money to Mr Paine's bank account so that Mr Paine would place bets on horse racing on his behalf.

37. Accordingly, partly for the general reasons given above, and for reasons expanded upon below in relation to each charge, we are in no doubt that the Appellants breached the relevant Rules of Racing in relation to charges 1 to 19, and charges 23 to 25 (noting the guilty plea for charges 20 to 22). The findings of breach in relation to those charges are confirmed, and the appeal is dismissed.
38. As for charges 26 to 30, as will be seen later in these Reasons for Decision, the Panel (by majority) has allowed the appeals in relation to the findings of breach relating to these charges. They relate to bets placed on races conducted outside of Australia. For the reasons outlined in [173] to [179] below, and adopting the reasoning of Judge Bowman in the Victorian Racing Tribunal in *The appeal of Ben Melham* (7 October 2020), the majority (Beasley SC, Mr Tuck) are of the view that AR 115 does not prohibit bets placed by jockeys in races conducted outside of Australia.
39. Charge 32 is dealt with at [182] – [188]. Whilst the Panel had a concern that there could be an aspect of “overkill” in relation to the bringing of these charges, they are not duplicitous. They arise out of separate facts. The betting charges relate to betting activity. Charge 32 relates to giving false evidence at a Stewards' Inquiry (even if about that betting activity). That charge of giving false evidence (AR 232 (i)) would not have been made out if we simply did not accept the Appellants' evidence, or if we merely preferred some other evidence to their own. That is not the case here. Regrettably, we are comfortably satisfied that the particulars for Charge 32 for both appellants contain extracts of their evidence at the Stewards' Inquiry where they gave false evidence.

Charges 1-19

Charge 1: Hyeronimus AR115(1)(e); Paine AR236

40. The particulars and evidence relating to charge 1 against both Appellants included that on 31 October 2016, after nominations were released for the Canterbury races to be held on 5 November 2016, Mr Hyeronimus sent a text to other persons which stated the following:

“I’m riding Lucky Meteor. I think it can win.”

41. On 4 November 2016 Mr Hyeronimus transferred \$500 to Mr Paine’s Netbank Saver account, which was then transferred into Mr Paine’s Complete Access account and subsequently to his Sportsbet account. From that Sportsbet account, on that afternoon, Mr Paine placed a \$500 to win on Lucky Meteor. Mr Hyeronimus rode Lucky Meteor at the Canterbury races on 5 November 2016.
42. In his evidence before the Panel, Mr Paine said the \$500 bet on Lucky Meteor was his bet.
43. In his evidence, Mr Hyeronimus denied that the bet on Lucky Meteor was placed for him.
44. The \$500 transfer made by Mr Hyeronimus to Mr Paine on 4 November 2016 was described as a “gift”. No explanation was provided for this gift, and the Panel, as stated above, rejects the evidence of the Appellants that any of these transactions described as a “gift” was such. This transfer was not a gift, but was made to enable or to cover Mr Paine placing the bet for Mr Hyeronimus. We are comfortably satisfied that Mr Hyeronimus transferred the \$500 on 4 November 2016 in order for Mr Paine to have a bet of that amount on Lucky Meteor in the race that took place on 5 November 2016.

45. Accordingly, we find the Appellant Hyeronimus to be in breach of AR115(1)(e), and Mr Paine to be in breach of AR236.

Charge 2: Hyeronimus AR115(1)(e); Paine AR236

46. The particulars and evidence in relation to charge 2 against both Appellants were that Mr Hyeronimus was the rider of the horse Limbo Soul at Rosehill on 22 February 2017.
47. Late on the afternoon of the day before, the evidence shows that Mr Hyeronimus withdrew \$650 cash from an ATM at Randwick. At around 7.00pm that night Mr Paine had a meeting with Mr Hyeronimus at Mr Hyeronimus' home. According to Mr Hyeronimus, this was because he wanted to tell Mr Paine that he was going to ask his girlfriend to marry him. The evidence is that Mr Hyeronimus did not ask his now wife to marry him until 25 August 2017 – some 6 months later. It would appear that after the meeting between Mr Hyeronimus and Mr Paine on the evening of 21 February 2017, Mr Hyeronimus sent a text message to Mr Paine that read “That thing will probs blow out a bit after the scratchings”.
48. On race morning (22 February 2017) from 8.21am there was a series of text messages exchanged between Mr Hyeronimus and Mr Paine that are outlined in the particulars, and clearly relate to what odds were available for the horse, with Mr Paine ultimately confirming that he “got 8”.
49. Also on 22 February 2017, Mr Paine transferred \$600 from his Complete Access account into his Sportsbet account. At 8.19am a bet of \$600 was placed by him on Limbo Soul to win.
50. Following the race meeting, from about 5.12pm, Mr Hyeronimus and Mr Paine exchanged a series of text messages concerning the win of Limbo Soul that day. These include a text from Mr Paine to Mr Hyeronimus which states, “I had 100 on it swell”, which the Panel takes to mean that Mr Paine had a \$100 bet on the horse to win “as well”.

51. On 23 February 2017 Mr Paine withdrew \$4,000 from his Sports Bet account.
52. As stated above, Mr Hyeronimus asserted that he had asked Mr Paine to come around to his house that evening because he “was sort of thinking about proposing to my wife, my now wife”: T186.9231-3. He agreed that in their text messages it was likely they were talking about the horse Limbo Soul, but denied giving the \$650 in cash to Mr Paine, or to having him place a bet on that horse for him.
53. In his evidence, Mr Paine said that “Adam told me he was gonna propose to his now wife”: T97.4810. He agreed that in their text messages they were probably talking about the horse Limbo Soul. He denied knowing what the text message “I had 100 on it swell” meant. In relation to the withdrawal of \$4,000 from his Sportsbet account, Mr Paine was unable to offer any explanation other than “I can’t exactly remember” (T102.5065) and “probably just wanted cash”: T103.5074.
54. The Panel does not accept the evidence of Mr Paine or Mr Hyeronimus in which they deny this bet was placed for Mr Hyeronimus. We are comfortably satisfied, based on the totality of the evidence, that the \$650 withdrawn by Mr Hyeronimus from the ATM on 21 February 2017 was for the purpose of providing that cash to Mr Paine as funds for Mr Paine to put bets on for Mr Hyeronimus. This included \$500 of the \$600 that was placed on Limbo Soul to win. We find Mr Paine’s text where he stated “100 on it swell” to be strong evidence Mr Paine had a \$100 bet on the horse as well as placing the \$500 bet for Mr Hyeronimus. The \$4,000 withdrawal is consistent with the payout for a \$500 bet at 8:1 on Limbo Soul.
55. Accordingly, Mr Hyeronimus is again found to have breached AR115(1)(e), and Mr Paine to have breached AR236.

Charge 3: Hyeronimus AR115(1)(c); Paine AR236

56. The particulars and evidence concerning this charge include that on 22 June 2016 Mr Paine placed a \$500 win bet on the horse Niccolanse from his Sports Bet account. On the same day, Mr Hyeronimus had transferred the sum of \$500 to Mr Paine’s Netbank Saver account. Mr Paine then transferred \$500 from his Netbank Saver account into

his Complete Access account, and then subsequently to his Sportsbet account. The Niccolanse race was at 1.15pm. At 1.19pm Mr Hyeronimus sent a text to Mr Paine which simply said, “that’s fucked”. Mr Paine responded with “had nothing fuck”.

57. Mr Hyeronimus agreed he made the \$500 transfer, but denied that he asked Mr Paine to place the bet for him. He denied any understanding of the text message exchanges between himself and Mr Paine: T204.10110-206.10220. No adequate explanation (or any explanation) was given by Mr Hyeronimus concerning the \$500 transfer to Mr Paine, save that which is contained in Exhibit 12, it being described again as a “gift”.
58. Mr Paine’s could not remember having a discussion with Mr Hyeronimus about the \$500 transfer into his account from Mr Hyeronimus on 22 June 2016: T43.2096. He otherwise again denied that he put the bet on for Mr Hyeronimus: T104.5129.
59. The Panel is comfortably satisfied that on 22 June 2016 Mr Hyeronimus transferred \$500 to Mr Paine’s Netbank Saver account to cover the funds that Mr Paine was going placed on Niccolanse as a bet on Mr Hyeronimus’ behalf.
60. Accordingly, Mr Hyeronimus is found to have breached AR115(1)(c), and Mr Paine to have breached AR236.

Charge 4: Hyeronimus AR115(1)(c); Paine AR236

61. The particulars of evidence concerning these charges are that on 22 June 2016 at about 1.30pm Mr Paine placed a bet of \$500 to win on the horse Lucky Fish from his Sportsbet account. On the same day Mr Hyeronimus had transferred \$500 to Mr Paine’s Netbank Saver account. The sum of \$500 was transferred by Mr Paine to his Complete Access account and then to his Sportsbet account.
62. Following the race, Mr Hyeronimus sent to Mr Paine a text that said “They fucked around with it this morning. I’m an idiot.” Mr Paine responded, “What did they do”. Hyeronimus responded “They gave it a little gallop this morning. I would of been filthy if it won with nothing on.”

63. Mr Hyeronimus' evidence was again that this bet was not placed on his behalf.
64. Mr Paine's evidence was that he did not place this bet on Lucky Fish for Mr Hyeronimus. No explanation was offered of a satisfactory nature by either Appellant concerning the text messaging.
65. The Panel is comfortably satisfied that the bet of \$500 that Mr Paine placed on Lucky Fish on 22 June 2016 was on Mr Hyeronimus' behalf. That is consistent with all the evidence, including the comment "I would of been filthy if it won with nothing on" in Mr Hyeronimus' text message, which in the Panel's view is clear evidence that a bet had been placed on this horse on his behalf.
66. Accordingly, Mr Hyeronimus is found to have breached AR115(1)(c), and Mr Paine to have breached AR236.

Charge 5: Hyeronimus AR115(1)(c); Paine AR236

67. The particulars and evidence in relation to this charge were that on 25 June 2016 Mr Paine placed a bet on the horse Thronum from his Sportsbet account. On the same day, Mr Hyeronimus had transferred \$500 to Mr Paine's Netbank Saver account, which Paine then transferred to his Complete Access account. He later transferred \$600 from his Complete Access account to his Sportsbet account.
68. On the day prior to Thronum's race, Mr Hyeronimus and Mr Paine had exchanged some text messages in which Mr Hyeronimus had said to Mr Paine "Thronum will win at Kembla tmrw". There was a discussion between them as to the likely price.
69. The \$400 win bet placed by Mr Paine on Thronun on 25 June 2016 returned a dividend of \$880. On the day following the race (26 June 2016) Mr Hyeronimus sent a text to Mr Paine in which he said, "Can you give me 380 into my bank please". Later, Mr Paine sent Mr Hyeronimus a text stating "I just transferd u the other 500".
70. Mr Hyeronimus' again denied that this bet was placed on his behalf.

71. Mr Paine said that the bet on the horse Thronum was his. He was unable to offer any explanation in relation to the texts relating to the \$380 and the \$500 which coincide with the winning dividend for the bet on Thronum: T106.5250-107.5290. He had “no idea” about these matters but seemed to speculate that he may have owed Mr Hyeronimus \$500, but for what was not explained.
72. The Panel is comfortably satisfied that the \$500 transferred by Hyeronimus to Mr Paine’s Netbank Saver account on 25 June 2016 was for the purpose of a bet being placed on Thronum on his behalf in the sum of \$400. We find that the \$380 and \$500 referred to in text messages between the Appellants on 26 June 2016 are clear references to the dividend of \$880 from this betting activity.
73. Accordingly, Mr Hyeronimus is found to be in breach of AR115(1)(c), and Mr Paine in breach of AR236.

Charge 6: Hyeronimus AR115(1)(c); Paine AR236

74. The particulars and evidence in relation to this charge were that also on 25 June 2016 Mr Paine placed a \$100 Quinella bet on the horses Dark Eyes and Static Lift.
75. As indicated in relation to the evidence concerning charge 5, on 25 June 2016 Mr Hyeronimus had transferred \$500 to Paine’s Netbank Saver account. A \$400 win bet had been placed on Thronum.
76. Mr Hyeronimus again denied that this bet was placed on his behalf.
77. Mr Paine’s evidence was that the bet was not for Mr Hyeronimus, but was his bet.
78. Having regard to the totality of the betting evidence, the Panel is comfortably satisfied that the \$100 Quinella bet on Dark Eyes and Static Life placed by Mr Paine represented funds placed on that Quinella on behalf of Mr Hyeronimus, being \$100 of the \$500 transferred by Mr Hyeronimus that day (with the other \$400 being placed by Mr Paine on Thronum for Mr Hyeronimus).

79. Accordingly, Mr Hyeronimus is found to be in breach of AR115(1)(c), and Mr Paine in breach of AR236.

Charge 7: Hyeronimus AR115(1)(c); Paine AR236

80. The particulars and evidence relating to this charge were that at about 9.00am on 30 June 2016 Mr Paine placed a bet of \$500 to win on the horse Bon Equus from his Sportsbet account. On the same day Mr Hyeronimus transferred \$520 to Mr Paine's Netbank Saver account.

81. Mr Hyeronimus' evidence was again to deny that this bet was placed on his behalf.

82. Mr Paine's evidence was that the bet placed on the horse Bon Equus was his bet. He was not sure if he had done the form on it, but he "thought it could win": T108.5358. No explanation of an adequate kind was provided in relation to the \$520 transfer.

83. The Panel is comfortably satisfied that the \$500 bet placed on Bon Equus by Mr Paine on 30 June 2016 was placed on behalf of Mr Hyeronimus, who on the same day had provided \$520 to Mr Paine by transferring that sum into one of his bank accounts. We find the extra \$20 was in relation to a punters' club that Mr Hyeronimus had an interest in. The Panel is in no doubt that all of the \$20 transactions listed in Exhibit 12, described variously as "eat a dick", "allowance", "rent", "gift" and "savings", considered with various texts between the Appellant's where the word "punters" is used (including when Mr Paine tells Mr Hyeronimus he owes money for "punters), are in fact contributions by Mr Hyeronimus to a punters' club.

84. Accordingly, Mr Hyeronimus is found to be in breach of AR115(1)(c), and Mr Paine in breach of AR236.

Charge 8: Hyeronimus AR115(1)(c); Paine AR236

85. The particulars and evidence concerning charge 8 are that on 8 August 2016 Mr Paine placed a \$1,000 bet on the horse El Divino which was to run in the Golden Rose on 10 September 2016. On that day Mr Hyeronimus had transferred \$1,000 to Mr Paine's

Netbank Saver account, which Mr Paine had then transferred to his Complete Access account and then to his Sportsbet account.

86. Prior to the bet on 8 August 2016, Mr Hyeronimus had exchanged some text messages with people advising them to back El Divino in the Golden Rose. On 7 September 2016 he sent a text to Mr Paine that stated “Then El Divino won Saturday. Sitting on 32k.” This text message should be seen in the context of text messages relevant to charge 11.
87. Mr Hyeronimus’ evidence concerning charge 8 was to again to deny that the bet on El Divino was placed on his behalf.
88. Mr Paine’s evidence was that the bet was his. He could offer no adequate explanation for the transfer of the \$1,000 in circumstances where he had over \$2,000 in his bank account at the time: T110.5435-45.
89. The Panel is comfortably satisfied that the \$1,000 bet placed by Mr Paine on 8 August 2016 on the horse El Divino in the Golden Rose (to be run on 10 September 2016) was a bet he placed on Mr Hyeronimus’ behalf, a matter clearly evidenced by the transfer of \$1,000 from Mr Hyeronimus to Mr Paine’s bank account on the same day.
90. Accordingly, Mr Hyeronimus is found to be in breach of AR115(1)(c), and Mr Paine in breach of AR236.

Charges 9 and 10: Hyeronimus AR115(1)(c); Paine AR236

91. The particulars and evidence concerning charges 9 and 10 include that on 22 August 2016 Mr Paine placed a \$500 win bet on the horse El Divino that was to run in the Run to the Rose race to be held on 27 August 2016. A further bet of \$500 was placed on El Divino in the same race by Mr Paine on 23 August 2016. On 22 August 2016 Mr Hyeronimus had transferred \$1,000 to Mr Paine’s Netbank Saver account. That sum was transferred by Mr Paine to his Complete Access account and then to his Sportsbet account. There is also some text message evidence including a text from

Mr Paine to Mr Hyeronimus on 24 August 2016 stating “El Divino to win both races in a multi is \$60”.

92. Mr Hyeronimus’ evidence to the Panel was again to deny that the bets placed were made on his behalf.
93. Mr Paine’s evidence was that the bet that was placed was his bet. There was, however, no satisfactory explanation given by either Appellant in relation to the transfer of the funds or in relation to the text messaging.
94. The Panel is comfortably satisfied that the two \$500 bets on El Divino made on 22 and 23 August 2016 for that horse to win the Run to the Rose race on 27 August 2016 were bets placed by Mr Paine on Mr Hyeronimus’ behalf.
95. Accordingly, Mr Hyeronimus is found to be in breach of AR115(1)(c) in relation to charges 9 and 10, and Mr Paine in breach of AR236 in relation to both charges.

Charge 11: Hyeronimus AR115(1)(c); Paine AR236

96. The circumstances and evidence in relation to charge 11 include that on 6 September 2016 Mr Paine placed a \$200 bet on a double involving Coonawarra and Pirari which ran in races 2 and 3 on 7 September 2016. Also on 6 September 2016, Mr Hyeronimus had transferred \$200 to Mr Paine’s Netbank Saver account, although there was no subsequent transfer by Mr Paine out of this account into either his Complete Access account or Sportsbet account.
97. Coonawarra finished second in its race, whilst Pirari won. Mr Hyeronimus had previously ridden the horse Coonawarra when it had won at Kembla on 13 August 2016.
98. Following the races on 7 September 2016, Mr Hyeronimus sent a text message to Mr Paine which stated, “I am livid”. He then sent a text which said “21k fuck”. He then sent the text referred to previously in charge 9 “Then El Divino won Saturday. Sitting on 32k.”

99. The \$200 investment on the Coonawarra and Pirari double would have returned \$21,000 if both horses had won.
100. Mr Hyeronimus' evidence to the Panel in relation to charge 11 was again to deny that the bet was placed on his behalf.
101. Mr Paine's evidence to the Panel was that the bet was his and that the references to the amounts that could have been won related to expressions of disappointment or regret by Mr Hyeronimus that Mr Paine had not won the substantial sums that were possible.
102. The Panel is in no doubt that Mr Hyeronimus' text to Mr Paine in which he stated "I am livid" is a reference to the fact that he had missed out on a substantial win, not that Mr Paine had. The Panel is comfortably satisfied that the \$200 bet placed by Mr Paine on the Coonawarra/Pirari double on 6 September 2016 was placed for Mr Hyeronimus, who on that day had transferred \$200 into Mr Paine's Netbank Saver account.
103. Accordingly, Mr Hyeronimus is found to be in breach of AR115(1)(c), and Mr Paine in breach of AR236.

Charge 12: Hyeronimus AR115(1)(c); Paine AR236

104. The particulars and evidence in relation to charge 12 are that on 24 September 2016 Mr Paine placed a \$1,000 win bet on the horse Caped Crusader. This was a horse that Mr Hyeronimus had previously ridden.
105. On the day prior, Mr Hyeronimus had transferred \$1,000 to Mr Paine's Netbank Saver account. The following day, Mr Paine transferred \$1,100 from his Netbank Saver account to his Complete Access account, following which he transferred \$1,100 to his Sportsbet account.
106. Mr Hyeronimus' evidence to the Panel was again to deny that this bet was placed on his behalf, although he was familiar with the horse Caped Crusader as he had ridden

him to win in races, and rode him in track work. He described him as one of his favourite horses: T233.11540-5.

107. Mr Paine's evidence was that he knew that Caped Crusader was one of Ms Waterhouse's horses. In relation to the \$1,000 transfer, he said that he "probably asked [Hyeronimus] for some money to have a punt": T114.5625. That evidence seems inconsistent with the description of the bank transaction from Hyeronimus to Paine as being for "savings": Exhibit 12. In any event, Mr Paine also denied that this bet was for Mr Hyeronimus but was rather his bet.
108. The Panel is comfortably satisfied that the \$1,000 win bet placed on Caped Crusader on 24 September 2016 by Mr Paine was placed on behalf of Mr Hyeronimus. That is entirely consistent with the transfer of the same amount of money from Mr Hyeronimus to Mr Paine's account on 23 September 2016.
109. Accordingly, Mr Hyeronimus is found to be in breach of AR115(1)(c) in relation to charge 12, and Mr Paine in breach of AR236.

Charge 13: Hyeronimus AR115(1)(c); Paine AR236

110. The particulars and evidence in relation to this charge are that on 1 October 2016 Mr Paine placed a \$1,000 win bet on the horse Hit the Floor. That horse won, returning \$3,500.
111. Also on 1 October 2016, Mr Hyeronimus had transferred \$1,000 to Mr Paine's Netbank Saver account. Mr Paine then transferred \$1,100 from that account to his Complete Access account and subsequently into his Sportsbet account.
112. Mr Hyeronimus' evidence in relation to charge 13 was that he rode Hit the Floor a couple of times for James Cummings: T234.11618. He said he did not know Mr Paine backed the horse, and he did not transfer the \$1000 to Mr Paine for him to bet on the horse on his behalf: T234-5. No explanation of any substance was provided for the \$1000 transfer to Mr Paine's bank account on 1 October.

113. Mr Paine's evidence was that the bet on Hit the Floor was his own bet.
114. The Panel is comfortably satisfied that the \$1,000 win bet placed on Hit the Floor by Mr Paine on 1 October 2016 was a bet made on behalf of Mr Hyeronimus. This is consistent again with the \$1,000 transfer made by Mr Hyeronimus into Mr Paine's bank account also on 1 October 2016.
115. Accordingly, Mr Hyeronimus is found to be in breach of AR115(1)(c), and Mr Paine in breach of AR236.

Charge 14: Hyeronimus AR115(1)(c); Paine AR236

116. The particulars and evidence in relation to charge 14 are that on 4 October 2016 Mr Paine placed a \$1,000 win bet on Selita from the Sportsbet account. There was no transfer of \$1,000 by Mr Hyeronimus to Mr Paine on 4 October 2016, but there remained the \$3,500 return to Mr Paine's Sportsbet account from the winning bet he made on behalf of Mr Hyeronimus on Hit the Floor on 1 October 2016.
117. Prior to 4 October 2016, text messages were exchanged between Mr Hyeronimus and other persons, and between Mr Hyeronimus and Mr Paine, concerning the horse Selita, which was a horse that Mr Paine had ridden in 3 race starts and also in a barrier trial on 30 August 2016. On the morning of 4 October 2016, Mr Hyeronimus tipped the horse to another person.
118. Mr Hyeronimus' evidence to the Panel in relation to charge 14 was again to deny that this bet was placed on his behalf.
119. Mr Paine's evidence was that he knew the horse Selita was trained by Bjorn Baker. He knew that Mr Hyeronimus had ridden the horse in track work and in race starts. He denied placing the bet for Mr Hyeronimus.
120. The Panel is comfortably satisfied that the \$1,000 win bet placed on Selita by Mr Paine on 4 October 2016 was a bet he placed on behalf of Mr Hyeronimus.

121. Accordingly, in relation to charge 14, Mr Hyeronimus is found to be in breach of AR115(1)(c), and Mr Paine in breach of AR236.

Charge 15: Hyeronimus AR115(1)(c); Paine AR236

122. The particulars and evidence in relation charge 15 are that on 8 October 2016 a \$1,000 win bet was placed on the horse Prized Icon from Mr Paine's Sportsbet account, which still had sufficient funds in it following the winning bet he placed on Mr Hyeronimus' behalf on Hit the Floor on 1 October 2016.

123. On the morning of 8 October 2016, Mr Hyeronimus had sent a text message to a person saying, "I like Prized Icon". Following the races that day, he sent a text to Mr Paine which stated, "Fuck Prized Icon maggot".

124. Mr Hyeronimus' evidence concerning charge 15 was again to deny that the bet was placed on his behalf.

125. Mr Paine's said Prized Icon was a very good horse, and that the bet was his.

126. The Panel is comfortably satisfied that the \$1,000 bet placed by Mr Paine on the horse Prized Icon on 8 October 2016 was placed on Mr Hyeronimus' behalf. We are comfortably satisfied of this based on the betting activity alone, but Mr Hyeronimus' text message indicating a level of disappointment in the horse Prized Icon is further evidence of his stake on this horse in the race.

127. Accordingly, in relation to charge 15, Mr Hyeronimus is found to be in breach of AR115(1)(c), and Mr Paine in breach of AR236.

Charge 16: Hyeronimus AR115(1)(c); Paine AR236

128. The particulars and evidence in relation to charge 16 are that on 12 October 2016 Mr Paine placed a \$2,000 win bet on the horse Sweet Redemption from his Sports Bet account. On the same day, Mr Hyeronimus transferred \$2,000 into Mr Paine's Netbank Saver account which Paine then transferred to his Complete Access Account

and then to his Sportsbet account. Mr Hyeronimus had ridden Sweet Redemption in its two lead-up barrier trials on 20 and 30 September 2016.

129. Mr Hyeronimus' evidence was that he had won a couple of races on this horse which was again trained by Ms Waterhouse and Mr Bott. He denied that the bet was placed on his behalf. There was no explanation of a satisfactory kind that explains the \$2,000 transfer from Mr Hyeronimus to Mr Paine on 12 October 2016 described as "savings": see Exhibit 12.
130. Mr Paine's evidence was that Sweet Redemption was a good horse and that the \$2,000 bet was his. He did not offer any satisfactory explanation regarding the \$2,000 transfer.
131. The Panel is comfortably satisfied that the \$2,000 win bet placed by Mr Paine on Sweet Redemption on 12 October 2016 was made for Mr Hyeronimus.
132. Accordingly, in relation to charge 16, Mr Hyeronimus is found to be in breach of AR115(1)(c), and Mr Paine in breach of AR236.

Charge 17: Hyeronimus AR115(1)(c); Paine AR236

133. The particulars and evidence in relation charge 17 are that on 20 December 2016 Mr Paine placed two bets of \$600 each to win on the horse El Teniente from his Sportsbet account.
134. Also on 20 December 2016, Mr Hyeronimus transferred \$1,000 into Mr Paine's Netbank Saver account. Mr Paine then transferred \$1,200 from his Netbank Saver account to his Complete Access Account, and the same amount then into his Sports Bet account.
135. Mr Hyeronimus' evidence in relation to charge 17 was to again deny that the bets were placed on his behalf.

136. In relation to the bet on El Teniente, Mr Paine's evidence was that "I just thought it could win. It was a winnable race, I assume": T119.5884. He again denied that the bets were Mr Hyeronimus, but rather said they were his.
137. The Panel is comfortably satisfied that Mr Hyeronimus had at least an interest of \$1,000 in the two \$600 bets placed by Mr Paine on El Teniente.
138. Mr Hyeronimus is therefore found to be in breach of AR115(1)(c) in relation to charge 17, and Mr Paine in breach of AR236.

Charge 18: Hyeronimus AR115(1)(c); Paine AR236

139. The particulars and evidence concerning charge 18 were that on 13 February 2017 Mr Paine placed a \$200 each way bet on the horse Zenalicious using his Sportsbet account.
140. On the same day, Mr Hyeronimus had transferred \$400 into Mr Paine's Netbank Saver account, to which Paine then transferred \$400 from that account to his Complete Access Account, and subsequently \$400 from that account into his Sportsbet account.
141. On the same day, Mr Hyeronimus had exchanged text messages with a person in which he clearly expressed some confidence as to Zenalicious' prospects in the race.
142. Mr Hyeronimus' evidence to the Panel in relation to charge 18 was again to deny that the bet was placed on his behalf.
143. Mr Paine's evidence was that he knew the horse Zenalicious was trained by "Les" at Randwick. He spoke to a number of people about this horse but possibly not "everyone" as he described in his evidence. He denied that the \$400 transferred to him was for the purposes of the bet or that the bet was placed on Mr Hyeronimus' behalf.
144. The Panel is comfortably satisfied that the \$200 each way bet placed by Mr Paine on the horse Zenalicious on 13 February 2017 was placed on Mr Hyeronimus' behalf.

145. Accordingly, Mr Hyeronimus is found to be in breach of AR115(1)(c) in relation to charge 18, and Mr Paine in breach of AR236.

Charge 19: Hyeronimus AR115(1)(c); Paine AR236

146. The particulars and evidence concerning charge 19 were that on 13 February 2017 bets totalling \$400 were placed by Mr Paine on the horse Baby Jive using his Sportsbet account.

147. On the same day, Mr Hyeronimus had transferred \$400 into Mr Paine's Netbank Saver account. Mr Paine then made transfers of \$400 from this account to his Complete Access Account and then into his Sports Bet account.

148. In relation to charge 19, Mr Hyeronimus' evidence was again to deny that this bet was placed on his behalf.

149. Mr Paine's evidence was again to assert that the bets were his, not Mr Hyeronimus'.

150. The Panel is comfortably satisfied that the \$400 in bets placed by Mr Paine on the horse Baby Jive on 13 February 2017 were placed on Mr Hyeronimus' behalf.

151. In relation to charge 19, Mr Hyeronimus is found to be in breach of AR115(1)(c), and Mr Paine in breach of AR236.

Charges 20 to 22

152. Both Mr Hyeronimus and Mr Paine have pleaded guilty to breaches of AR115(1)(c) and AR236 respectively in relation to charges 20, 21 and 22.

153. The particulars for these charges and evidence in relation to them are outlined in the charge sheets and in the Stewards' submissions to the Panel.

154. The Panel notes that the particulars and evidence in relation to these charges involve a similar type of transaction activity to the other betting charges. The Appellants had pleaded not guilty to these three charges at the Stewarts Inquiry, but changed their pleas to guilty on the morning of day 2 of the appeal hearing.
155. One thing that should be noted in relation to charges 21 and 22 to which the Appellants have pleaded guilty is that the betting activity here involved winning bets. In respect of charge 21, a \$500 place bet was put on the horse Bellflyer at \$5, returning a sum of \$2,500 including stake. In relation to charge 22, a bet of \$500 placed on the horse Sovereign Nation was successful, returning a sum of \$1,000 in addition to the \$2,500 for Bellflyer.

Charge 23: Hyeronimus AR115(1)(c); Paine AR236

156. The particulars and evidence concerning charge 23 were that on 15 August 2017 Mr Paine placed a bet of \$500 to win on the horse Prince of the Turf using his Sportsbet account.
157. After Mr Paine placed the \$500 bet on Prince of the Turf, there was a total of \$2,500 remaining in his Sportsbet account. Three days later, on 18 August 2017, Mr Hyeronimus sent this text to Mr Paine: “So how much money of mine do you have”. Mr Paine’s response was “2.5”.
158. Mr Hyeronimus’ evidence in relation to charge 23 was again to deny that this bet was placed on his behalf.
159. Mr Paine’s evidence included a denial that the response “2.5” was a reference to holding \$2,500 for Mr Hyeronimus in his Sportsbet account as a result of betting activity: T86.4245-55. No satisfactory attempt was made to explain how this could mean anything else however. Mr Paine again said that the bet on Prince of the Turf was his.
160. The Panel is comfortably satisfied that the \$500 bet placed by Mr Paine on Prince of the Turf was on behalf of Mr Hyeronimus.

161. Accordingly, Mr Hyeronimus is found to be in breach of AR115(1)(c), and Mr Paine in breach of AR236.

Charge 24: Hyeronimus AR115(1)(c); Paine AR236

162. The particulars and evidence in relation to charge 24 are that on 19 August 2017 Mr Paine placed a \$300 bet to win on the horse Ploverset.

163. On the day prior to this bet being placed, Mr Paine and Mr Hyeronimus had exchanged text messages in which Mr Paine confirmed that in addition to the \$2,500 of Mr Hyeronimus' he had in his Sportsbet account, he had received an additional \$300 cash for him.

164. Mr Hyeronimus' evidence in relation to charge 24 was again to deny that the bet on Ploverset was placed on his behalf.

165. Mr Paine's evidence was that the bet was his, not Mr Hyeronimus'.

166. The Panel is comfortably satisfied that the \$300 win bet placed on Ploverset by Mr Paine from his Sportsbet account was made on behalf of Mr Hyeronimus.

167. Accordingly, in relation to charge 24, Mr Hyeronimus is found to be in breach of AR115(1)(c), and Mr Paine in breach of AR236.

Charge 25: Hyeronimus AR115(1)(c); Paine AR236

168. The particulars and evidence in relation to this charge are that on 19 August 2017 Mr Paine put a bet of \$300 on the horse Boomtown Rat from his Sportsbet account. That account still held funds from the successful bets in relation to charges 21 and 22.

169. In relation to charge 25, Mr Hyeronimus' evidence was that this bet was not placed on his behalf.

170. Mr Paine's evidence was that he knew that the horse Boomtown Rat was trained by Edward O'Rourke who had stables near where he worked at Randwick. Mr Paine again denied that the bet was placed on Mr Hyeronimus' behalf but was his bet.
171. The Panel is comfortably satisfied that the \$300 bet placed on Boomtown Rat by Mr Paine from his Sportsbet account was placed on behalf of Mr Hyeronimus.
172. Accordingly, in relation to charge 25, Mr Hyeronimus is found to be in breach of AR115(1)(c), and Mr Paine in breach of AR236.

Charges 26 to 30

173. These charges relate to bets placed on races run outside of Australia. The determination in relation to them represents the one matter upon which there is a different view amongst the Panel.
174. Both Mr O'Sullivan and Mr Barnes contend that the appeals should be allowed in respect of these charges as the relevant rules of the Australian Rules of Racing should be construed to apply to races conducted in this country only. In support of that submission, the Panel was referred to the decision of Judge Bowman in the Victorian Racing Tribunal in *The appeal of Ben Melham* (7 October 2020).
175. Judge Bowman found that the relevant rules applied to races conducted within and under the control and supervision of racing within an Australian State or Territory, but did not apply to races conducted outside of Australia.
176. Amongst other matters, Judge Bowman placed reliance on AR4(1)(a), which states that the Australian Rules of Racing "apply to all races held under the management or control of a PRA" (subject to AR150 which is not presently relevant). A "Principal Racing Authority (PRA)" is defined as "a body (statutory or otherwise) recognised as a Principal Racing Authority under Racing Australia's constitution, that has the control and general supervision of Racing within a State or Territory, and comprises", following which is listed the racing bodies of the various States and Territories.

177. The two matters referred to above, in the view of Mr Beasley SC and Mr Tuck, make it sufficiently clear, on balance, that the Rules (as they applied to Mr Hyeronimus and Mr Paine) apply to races and race meetings in Australia, and that where within AR115(1)(c) a reference is made to “bet ... on any race”, that race should be taken to be a race conducted within Australia.
178. Ms Madsen has a different view. Having closely considered the reasoning of Judge Bowman in *Melham*, and the matters referred to above in [176]-[177], she considers that the intent that AR 115 should be taken to have is that it provides a prohibition on jockeys betting on any thoroughbred race, including those conducted outside of Australia. In her view, the focus of AR 115 is on the conduct of the jockey, not the location of the race. The intent is to prohibit jockeys from betting in any thoroughbred race. This clearly involves races that they are not riding in. In providing a prohibition on jockeys betting on horse races that they are not riding in, it seems irrelevant, in Ms Madsen’s view, to distinguish between a race conducted in Australia, and one conducted overseas. Given this interpretation of AR115, and based on the evidence concerning Charges 26 to 30, and the pattern of bank transfers and betting referred to above, Ms Madsen would have dismissed the appeals in relation to Charges 26 to 30, and found both Appellants in breach of the relevant rules in relation to these charges.
179. Given the construction of AR115(1)(c) arrived at by the majority however, the appeals in relation to charges 26 to 30 are allowed for both Appellants.

Limited Scope Expert Report

180. Tendered at the Stewards’ Inquiry, and also on appeal, was what is described as a “Limited Scope Expert Report” dated 9 June 2020 prepared in relation to the Paine appeal on instructions from his solicitor Mr Barnes. The report has been prepared by Mr Brett Goodyer.
181. Without meaning any disrespect, the Panel has not been assisted by this report. In it, Mr Goodyer has offered the opinion that “Racing NSW have not established that it is more probable than not that each of the allegations set out in the charges are true”. With respect, that isn’t the kind of territory Mr Goodyer should wade into. In other

parts of the report the opinion is expressed that it is “not clear” that the funds from Mr Paine’s Complete Access account that were transferred to his Sportsbet account to then be bet on horses were the “same funds” that Mr Hyeronimus transferred into Mr Paine’s Netbank Saver account. It is not necessary to establish that to establish a breach of the rule. Talk of identifying the exact “funds” is meaningless. These are electronic transfers. It would not matter if Mr Hyeronimus transferred \$500 to Mr Paine before or after Mr Paine had a bet on a horse. What needs to be proven is whether Mr Paine was placing bets on horses on Mr Hyeronimus’s behalf. The bank transfers, their descriptions, the amounts transferred, the Sportsbet activity and the amounts of the bet, and the text messaging, are all part of the evidence that makes it abundantly clear that Paine was betting for Hyeronimus.

Charge 32

182. Both Appellants were charged under AR232(i) in respect to allegedly giving false evidence at the Stewards’ Inquiry conducted on 30 May 2019. Particulars of the alleged false evidence are set out in the charge sheets annexed to these Reasons for Decision.

183. As can be seen from the relevant transcript that formed part of the particulars against Mr Hyeronimus, amongst other matters, he has denied that he asked Mr Paine to place various bets on horses that both the Stewards and now the Panel have found that he did.

184. Also part of the particulars are denials of Mr Hyeronimus that he had any interest in a punters’ club. This denial was in the face of the various \$20 transfers from Mr Hyeronimus to Mr Paine (Exhibit 12) and the text message evidence set out in Exhibit 8 (see [78] of the Stewards Submissions) which includes the following:

185 Paine to Hyeronimus: “u want me to do ur 20 am you transfer it to me again?”

188 Paine to Hyeronimus: “I paid ur 20 again u still owe me from last week’s one as well ytb”

193 Paine to Hyeronimus: “I did ur 20 for punters”

206 Hyeronimus to Paine: “u pay my 20 please”

347 Paine to Hyeronimus: “Can u transfer us ur punters u owe 60 I got no money in my account ha ha”

601 Paine to Hyeronimus: “So u owe me 240 for punters that’s this eek included”

619 Paine to Hyeronimus: “punters is going to up to 40 a week starting this week”

185. This appeal does not involve circumstances where the Panel merely prefers one witness over the other. We are comfortably satisfied, in relation to the particulars to charge 32, that the Appellant Hyeronimus has given untruthful evidence to the Stewards during their Inquiry as alleged.

186. The particulars in relation to charge 32 brought against Mr Paine for giving false evidence at the Stewards Inquiry on 30 May 2019 are also set out in the attached charge sheet. The particulars include the denial that Mr Hyeronimus was a person in a punters’ club or syndicate. They also include denials by Mr Paine that he had ever placed bets on Mr Hyeronimus’ behalf.

187. Again, this is not a circumstance where the Panel merely prefers one witness over the evidence of Mr Paine. In this appeal the Panel is comfortably satisfied that Mr Paine gave false evidence at the Stewards’ Inquiry as alleged in the particulars to charge 32.

188. Accordingly, both Appellants are found to be in breach of AR232 in respect to charge 32.

Orders

Adam Hyeronimus

1. Appeals by Mr Hyeronimus against the Stewards' finding of breach in respect of charges 1 and 2 relating to AR115(1)(e) are dismissed.
2. The finding of breach of AR115(1)(e) in respect of charges 1 and 2 confirmed.
3. Appeals in relation to the findings of breach in relation to charges 3 to 19, and 23 to 25, are dismissed.
4. Findings of breach of AR115(1)(c) in relation to charges 3 to 19, and 23 to 25, are confirmed.
5. Change of plea in relation to charges 20, 21 and 22 from "not guilty" to "guilty" is noted.
6. Finding of breach of AR115(1)(c) in respect of charges 20, 21 and 22 confirmed.
7. Appeals in respect to findings of breach of AR115(1)(c) in respect of charges 26 to 30 allowed (by majority).
8. Findings of breach of AR115(1)(c) in respect of charges 26 to 30 are set aside.
9. Appeal in relation to finding of breach of AR232(i) in respect of charge 32 is dismissed.
10. Finding of breach of AR232(i) in respect to charge 32 confirmed.

Blake Paine

1. Appeal in relation to finding of breach of AR236 in respect of charges 1 and 2 is dismissed.
 2. Finding of breach of AR236 in relation to charges 1 and 2 confirmed.
 3. Appeal in relation to finding of breach of AR236 in relation to charges 3 to 19, and 23 to 25 is dismissed.
 4. Finding of breach of AR236 in relation to charges 3 to 19, and 23 to 25 is confirmed.
 5. Change of plea from “not guilty” to “guilty” in respect of charges 20, 21 and 22 involving breach of AR236 noted.
 6. Finding of breach of AR236 in respect of charges 20, 21 and 22 confirmed.
 7. Appeals in relation to finding of breach of AR236 in relation to charges 26 to 30 allowed (by majority).
 8. Finding of breach of AR236 in relation to charges 26 to 30 set aside.
 9. Appeal in relation to finding of breach of AR232(i) in relation to charge 32 dismissed.
 10. Finding of breach of AR232(i) in relation to charge 32 confirmed.
189. The Appellants have also appealed in relation to the severity of the penalties imposed on them. The Stewards and the legal representatives for the parties should notify Racing NSW as soon as possible as to whether an oral hearing is desired in relation to the severity appeals, or whether they can proceed by way of written submission. The Panel will resolve any disagreement.

ANNEXURE A

Licensed jockey Adam Hyeronimus you are hereby charged with the following charges under AR115(1)(e) for having an interest in a bet on races in which you rode in.

AR 115 Jockey and apprentice jockey misconduct

(1) *A jockey or apprentice jockey must not:*

(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.*

Charge 1

The details of the charge being that you licensed jockey Adam Hyeronimus did have an interest in a bet in a race you rode in of \$500 win on Lucky Meteor at Canterbury on 5 November 2016 when that horse finished 3rd in Race 3 on that day by reason of the following particulars.

1. On 4 November 2016 you deposited \$500 from your bank account number 062439-10327025 into the bank account number 062439-10670798 belonging to licensed stablehand Mr Blake Paine.
2. On 4 November 2016 Mr Paine deposited \$500 into his Sportsbet account 131734086 from his bank account number 062230-11179024
3. On 4 November 2016 Mr Paine placed the following bet using his Sportsbet account 131734086 in which you had an interest in;

\$500-win R3 No6 Lucky Meteor Canterbury 5 November 2016 (placed 3rd losing bet)

4. On 5 November 2016 you rode Lucky Meteor in Race 3 at Canterbury on that day.

Charge 2

The details of the charge being that you licensed jockey Adam Hyeronimus did have an interest in a bet in a race you rode in of \$500 win on Limbo Soul at Rosehill on 22 February 2017 when that horse finished 1st in Race 2 on that day by reason of the following particulars.

1. On 22 February 2017 Mr Blake Paine deposited \$600 into his Sportsbet account 131734086 from his bank account number 062230-11179024
2. On 22 February 2017 Mr Paine placed the following bet using his Sportsbet account 131734086 in which you had an interest in;

\$500-win R2 No7 Limbo Soul Rosehill 22 February 2017 (placed 1st Winning Bet \$4000) (\$600 bet placed in total \$100 being for Mr Paine)

3. On 22 February 2017 you rode Limbo Soul Race 2 at Rosehill on that day.

4. On 23 February 2017 Mr Paine withdrew from his Sportsbet account 131734086 a total of \$4000 (4 x \$1000 withdrawals) using his Sportsbet Cash Card. Such funds being the proceeds of the winning bet (including \$500 stake) placed on R2 No7 Limbo Soul Rosehill 22 February 2017 in which you had an interest.
-

Licensed jockey Adam Hyeronimus you are hereby charged with the following charges under AR115(1)(c) for having an interest in a bet on races.

AR 115 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;

Charge 3

The details of the charge being that you licensed jockey Adam Hyeronimus did have an interest in a bet of \$500 win on Niccolance at Canterbury Park on 22 June 2016 when it finished 4th in Race 1 on that day by reason of the following particulars.

1. On 22 June 2016 you deposited \$500 from your bank account number 062439-10327025 into the bank account number 062439-10670798 belonging to licensed stablehand Mr Blake Paine.
2. On 22 June 2016 Mr Blake Paine transferred \$500 from his bank account number 062439-10670798 into his bank account number 062230-11179024.
3. On 22 June 2016 Mr Paine deposited \$500 into his Sportsbet account 131734086 from his bank account number 062230-11179024
4. On 22 June 2016 Mr Paine placed the following bet using his Sportsbet account 131734086 in which you had an interest in;

\$500-win R1 No 6 Niccolance Canterbury 22 June 2016 (placed 4th losing bet)

Charge 4

The details of the charge being that you licensed jockey Adam Hyeronimus did have an interest in a bet of \$500 win on Lucky Fish at Canterbury Park on 22 June 2016 when it finished 6th in Race 6 on that day by reason of the following particulars.

1. On 22 June 2016 you deposited \$500 from your bank account number 062439-10327025 into the bank account number 062439-10670798 belonging to licensed stablehand Mr Blake Paine.
2. On 22 June 2016 Mr Blake Paine transferred \$500 from his bank account number 062439-10670798 into his bank account number 062230-11179024.
3. On 22 June 2016 Mr Paine deposited \$500 into his Sportsbet account 131734086 from his bank account number 062230-11179024
4. On 22 June 2016 Mr Paine placed the following bet using his Sportsbet account 131734086 in which you had an interest in;

\$500-win R6 No 5 Lucky Fish Canterbury 22 June 2016 (placed 6th losing bet)

Charge 5

The details of the charge being that you licensed jockey Adam Hyeronimus did have an interest in a bet of \$400 win on Thronum at Kembla Grange on 25 June 2016 when it finished 1st in Race 4 on that day by reason of the following particulars.

1. On 25 June 2016 you deposited \$500 from your bank account number 062439-10327025 into the bank account number 062439-10670798 belonging to licensed stablehand Mr Blake Paine.
2. On 25 June 2016 Mr Blake Paine transferred \$500 from his bank account number 062439-10670798 into his bank account number 062230-11179024.
3. On 25 June 2016 Mr Paine deposited \$600 into his Sportsbet account 131734086 from his bank account number 062230-11179024
4. On 25 June 2016 Mr Paine placed the following bet using his Sportsbet account 131734086 in which you had an interest in;

\$400-win R4 No2 Thronum Kembla Grange 25 June 2016 (placed 1st winning bet \$880)

5. Such \$400 bet being placed using \$400 of the \$600 deposit in conjunction with charge 6.
6. On 26 June 2016 Mr Paine transferred \$880 from his Sportsbet account 131734086 to his bank account number 062230-11179024.
7. On 26 June 2016 Mr Paine transferred \$380 and 28 June 2016 transferred \$500 from his bank account number 062230-11179024 to your bank account number 062439-10327025 .
8. Such funds being the proceeds of the winning bet (including \$400 stake) placed on R4 No2 Thronum Kembla Grange 25 June 2016 in which you had an interest in.

Charge 6

The details of the charge being that you licensed jockey Adam Hyeronimus did have an interest in a bet of \$100 quinella on Dark Eyes and Static Lift at Randwick on 25 June 2016 when they finished 7th and 2nd respectively in Race 1 in that day by reason of the following particulars.

1. On 25 June 2016 you deposited \$500 from your bank account number 062439-10327025 into the bank account number 062439-10670798 belonging to licensed stablehand Mr Blake Paine.
2. On 25 June 2016 Mr Blake Paine transferred \$500 from his bank account number 062439-10670798 into his bank account number 062230-11179024.
3. On 25 June 2016 Mr Paine deposited \$600 into his Sportsbet account 131734086 from his bank account number 062230-11179024
4. On 25 June 2016 Mr Paine placed the following bet using his Sportsbet account 131734086 in which you had an interest in;

\$100-Quinella R1 No 5 Dark Eyes and No 8 Static Lift Randwick 25 June 2016 (\$100 of the \$500 deposit in conjunction with charge 3) (placed 7th and 2nd losing bet)

5. Such \$100 bet being placed using \$100 of the \$600 deposit in conjunction with charge 5.

Charge 7

The details of the charge being that you licensed jockey Adam Hyeronimus did have an interest in a bet of \$500 win on Bon Equus at Wyong on 30 June 2016 when it finished 2nd in Race 5 on that day by reason of the following particulars.

1. On 30 June 2016 you deposited \$520 from your bank account number 062439-10327025 into the bank account number 062439-10670798 belonging to licensed stablehand Mr Blake Paine.
2. On 30 June 2016 Mr Blake Paine transferred \$500 from his bank account number 062439-10670798 into his bank account number 062230-11179024.
3. On 30 June 2016 Mr Paine deposited \$500 into his Sportsbet account 131734086 from his bank account number 062230-11179024
4. On 30 June 2016 Mr Paine placed the following bet using his Sportsbet account 131734086 in which you had an interest in;

\$500-win R5 No1 Bon Equus Wyong 30 June 2016 (placed 2nd losing bet)

Charge 8

The details of the charge being that you licensed jockey Adam Hyeronimus did have an interest in a bet of \$1000 win on El Divino at Rosehill on 10 September 2016 when it finished 2nd in Race 5 on that day by reason of the following particulars.

1. On 8 August 2016 you deposited \$1000 from your bank account number 062439-10327025 into the bank account number 062439-10670798 belonging to licensed stablehand Mr Blake Paine.
2. On 8 August 2016 Mr Blake Paine transferred \$1000 from his bank account number 062439-10670798 into his bank account number 062230-11179024.
3. On 8 August 2016 Mr Paine deposited \$1000 into his Sportsbet account 131734086 from his bank account number 062230-11179024
4. On 8 August 2016 Mr Paine placed the following bet using his Sportsbet account 131734086 in which you had an interest in;

*\$1000-win El Divino Golden Rose Rosehill 10 September 2016 (Futures Bet)
(placed 7th losing bet)*

Charge 9

The details of the charge being that you licensed jockey Adam Hyeronimus did have an interest in a bet of \$500 win on El Divino at Rosehill on 27 August 2016 when it finished 4th in Race 6 on that day by reason of the following particulars.

1. On 22 August 2016 you deposited \$1000 from your bank account number 062439-10327025 into the bank account number 062439-10670798 belonging to licensed stablehand Mr Blake Paine.
2. On 22 August 2016 Mr Blake Paine transferred \$1000 from his bank account number 062439-10670798 into his bank account number 062230-11179024.
3. On 22 August 2016 Mr Paine deposited \$1000 into his Sportsbet account 131734086 from his bank account number 062230-11179024
4. On 22 August 2016 Mr Paine placed the following bet using his Sportsbet account 131734086 in which you had an interest in;

\$500-win El Divino Run To The Rose Rosehill 27 August 2016 (Futures Bet placed 4th losing bet)

5. Such \$500 bet being placed using \$500 of the \$1000 deposit in conjunction with charge 10.

Charge 10

The details of the charge being that you licensed jockey Adam Hyeronimus did have an interest in a bet of \$500 win on El Divino at Rosehill on 27 August 2016 when it finished 4th in Race 6 on that day by reason of the following particulars by reason of the following particulars.

1. On 22 August 2016 you deposited \$1000 from your bank account number 062439-10327025 into the bank account number 062439-10670798 belonging to licensed stablehand Mr Blake Paine.
2. On 22 August 2016 Mr Blake Paine transferred \$1000 from his bank account number 062439-10670798 into his bank account number 062230-11179024.
3. On 22 August 2016 Mr Paine deposited \$1000 into his Sportsbet account 131734086 from his bank account number 062230-11179024
4. On 23 August 2016 Mr Paine placed the following bet using his Sportsbet account 131734086 in which you had an interest in;

*\$500-win El Divino Run To The Rose Rosehill 27 August 2016 (Futures Bet)
(placed 4th losing bet)*

5. Such \$500 bet being placed using \$500 of the \$1000 deposit in conjunction with charge 9.

Charge 11

The details of the charge being that you licensed jockey Adam Hyeronimus did have an interest in a bet of \$200 double win on Coonawarra (Race 2) and Purrari (Race 3) at Canterbury on 7 September 2016 when those horses finished 2nd and 1st respectively on that day by reason of the following particulars.

1. On 6 September 2016 you deposited \$200 from your bank account number 062439-10327025 into the bank account number 062439-10670798 belonging to licensed stablehand Mr Blake Paine.
2. On 6 September 2016 Mr Paine placed the following bet using his Sportsbet account 131734086 in which you had an interest in;

\$200-double win R2 No3 Coonawarra and R3 No2 Purrari Canterbury 6 September 2016 (placed 2nd and 1st respectively losing bet)

Charge 12

The details of the charge being that you licensed jockey Adam Hyeronimus did have an interest in a bet of \$1000 win on Caped Crusader at Rosehill on 24 September 2016 when it finished 2nd in Race 8 on that day by reason of the following particulars.

1. On 23 September 2016 you deposited \$1000 from your bank account number 062439-10327025 into the bank account number 062439-10670798 belonging to licensed stablehand Mr Blake Paine.
2. On 24 September 2016 Mr Blake Paine transferred \$1100 from his bank account number 062439-10670798 into his bank account number 062230-11179024.

3. On 24 September 2016 Mr Paine deposited \$1100 into his Sportsbet account 131734086 from his bank account number 062230-11179024
4. On 24 September 2016 Mr Paine placed the following bet using his Sportsbet account 131734086 in which you had an interest in;

\$1000-win R8 No7 Caped Crusader Rosehill 24 September 2016 (placed 2nd losing bet)

Charge 13

The details of the charge being that you licensed jockey Adam Hyeronimus did have an interest in a bet of \$1000 win on Hit The Floor at Newcastle on 1 October 2016 when it finished 1st in Race 4 on that day by reason of the following particulars.

1. On 1 October 2016 you deposited \$1000 from your bank account number 062439-10327025 into the bank account number 062439-10670798 belonging to licensed stablehand Mr Blake Paine.
2. On 1 October 2016 Mr Blake Paine transferred \$1100 from his bank account number 062439-10670798 into his bank account number 062230-11179024.
3. On 1 October 2016 Mr Paine deposited \$1100 into his Sportsbet account 131734086 from his bank account number 062230-11179024
4. On 1 October 2016 Mr Paine placed the following bet using his Sportsbet account 131734086 in which you had an interest in;

\$1000-win R4 No1 Hit The Floor Newcastle 1 October 2016 (placed 1st winning bet \$3500)

Charge 14

The details of the charge being that you licensed jockey Adam Hyeronimus did have an interest in a bet of \$1000 win on Selita at Canterbury on 5 October 2016 when that horse finished 2nd in Race 7 on that day by reason of the following particulars.

1. On 4 October 2016 Mr Paine placed the following bet using his Sportsbet account 131734086 in which you had an interest in;

\$1000-win R7 No1 Selita Canterbury 5 October 2016 (placed 2nd losing bet).

2. Such bet being placed using funds from a winning bet detailed in charge 13.

Charge 15

The details of the charge being that you licensed jockey Adam Hyeronimus did have an interest in a bet of \$1000 win on Prized Icon at Randwick on 8 October 2016 when that horse finished 3rd in Race 7 on that day by reason of the following particulars.

1. On 8 October 2016 Mr Paine placed the following bet using his Sportsbet account 131734086 in which you had an interest in;

\$1000-win R7 No1 Prized Icon Randwick 8 October 2016 (placed 3rd losing bet)

2. Such bet being placed using funds from a winning bet detailed in charge 13.

Charge 16

The details of the charge being that you licensed jockey Adam Hyeronimus did have an interest in a bet of \$2000 win on Sweet Redemption at Warwick Farm on 12 October 2016 when that horse finished 5th in Race 6 on that day by reason of the following particulars.

1. On 12 October 2016 you deposited \$2000 from your bank account number 062439-10327025 into the bank account number 062439-10670798 belonging to licensed stablehand Mr Blake Paine.
2. On 12 October 2016 Mr Blake Paine transferred \$2000 from his bank account number 062439-10670798 into his bank account number 062230-11179024.
3. On 12 October 2016 Mr Paine deposited \$2000 into his Sportsbet account 131734086 from his bank account number 062230-11179024
4. On 12 October 2016 Mr Paine placed the following bet using his Sportsbet account 131734086 in which you had an interest in;

\$2000-win R6 No1 Sweet Redemption Warwick Farm 12 October 2016 (placed 5th losing bet)

Charge 17

The details of the charge being that you licensed jockey Adam Hyeronimus did have an interest in bets totaling \$1000 win on El Teniente at Coffs Harbour on 20 December 2016 when that horse finished 7th in Race 1 on that day by reason of the following particulars.

1. On 20 December 2016 you deposited \$1000 from your bank account number 062439-10327025 into the bank account number 062439-10670798 belonging to licensed stablehand Mr Blake Paine.
2. On 20 December 2016 Mr Blake Paine transferred \$1200 from his bank account number 062439-10670798 into his bank account number 062230-11179024.
3. On 20 December 2016 Mr Paine deposited \$1200 into his Sportsbet account 131734086 from his bank account number 062230-11179024
4. On 20 December 2016 Mr Paine placed the following bets using his Sportsbet account 131734086 in which you had an interest in;

a. \$500-win (\$500 of a \$600 bet) R1 No1 El Teniente Coffs Harbour 20 December 2016 (placed 7th losing bet)

b. \$500-win (\$500 of a \$600 bet) R1 No1 El Teniente Coffs Harbour 20 December 2016 (placed 7th losing bet)

Charge 18

The details of the charge being that you licensed jockey Adam Hyeronimus did have an interest in a bet of \$400 win on Zenalicious at Kensington on 13 February 2017 when that horse finished 9th in Race 7 on that day by reason of the following particulars.

1. On 13 February 2017 you deposited \$400 from your bank account number 062439-10327025 into the bank account number 062439-10670798 belonging to licensed stablehand Mr Blake Paine.
2. On 13 February 2017 Mr Blake Paine transferred \$400 from his bank account number 062439-10670798 into his bank account number 062230-11179024.
3. On 13 February 2017 Mr Paine deposited \$400 into his Sportsbet account 131734086 from his bank account number 062230-11179024

4. On 13 February 2017 Mr Paine placed the following bet using his Sportsbet account 131734086 in which you had an interest in;

\$200-win & \$200 place R7 No7 Zenalicious Kensington 13 February 2017 (placed 9th losing bet)

Charge 19

The details of the charge being that you licensed jockey Adam Hyeronimus did have an interest in bets totaling \$400 win on Baby Jive at Wyong on 13 July 2017 when that horse finished 6th in Race 4 on that day by reason of the following particulars.

1. On 13 July 2017 you deposited \$400 from your bank account number 062439-10327025 into the bank account number 062439-10670798 belonging to licensed stablehand Mr Blake Paine.
2. On 13 July 2017 Mr Blake Paine transferred \$400 from his bank account number 062439-10670798 into his bank account number 062230-11179024.
3. On 13 July 2017 Mr Paine deposited \$400 into his Sportsbet account 131734086 from his bank account number 062230-11179024
4. On 13 February 2017 Mr Paine placed the following bets using his Sportsbet account 131734086 in which you had an interest in;
 - a. *\$100-win R4 No1 Baby Jive Wyong 13 July 2017 (placed 6th losing bet)*
 - b. *\$100-win R4 No1 Baby Jive Wyong 13 July 2017 (placed 6th losing bet)*
 - c. *\$200-win R4 No1 Baby Jive Wyong 13 July 2017 (placed 6th losing bet)*

Charge 20

The details of the charge being that you licensed jockey Adam Hyeronimus did have an interest in a bet of \$100 treble win on Menari (Race 6-Rosehill-placed 1st), Selita (Race 4-Rosehill-placed 3rd) and Belflyer (Race 6-Casino-placed 2nd) on 12 August 2017 by reason of the following particulars.

1. On 12 August 2017 you deposited \$1100 from your bank account number 062439-10327025 into the bank account number 062439-10670798 belonging to licensed stablehand Mr Blake Paine.
2. On 12 August 2017 Mr Blake Paine transferred \$1000 and \$150 from his bank account number 062439-10670798 into his bank account number 062230-11179024.
3. On 12 August 2017 Mr Paine deposited \$1000 and \$150 into his Sportsbet account 131734086 from his bank account number 062230-11179024
4. On 12 August 2017 Mr Paine placed the following bet using his Sportsbet account 131734086 in which you had an interest in;

\$100-treble win Rosehill 12 August 2017 R6 No 2 Menari (placed 1st), Rosehill 12 August 2017 R4 No 9 Selita (placed 3rd), Casino 12 August 2017 R6 No12 Belflyer (placed 2nd) (losing bet)

5. Such \$100 bet being placed using \$100 of the \$1100 deposit in conjunction with charges 21 and 22.

Charge 21

The details of the charge being that you licensed jockey Adam Hyeronimus did have an interest in a bet of \$500 place on Belflyer at Casino on 12 August 2017 when that horse finished 2nd in Race 6 on that day by reason of the following particulars.

1. On 12 August 2017 you deposited \$1100 from your bank account number 062439-10327025 into the bank account number 062439-10670798 belonging to licensed stablehand Mr Blake Paine.
2. On 12 August 2017 Mr Blake Paine transferred \$1000 and \$150 from his bank account number 062439-10670798 into his bank account number 062230-11179024.
3. On 12 August 2017 Mr Paine deposited \$1000 and \$150 into his Sportsbet account 131734086 from his bank account number 062230-11179024
4. On 12 August 2017 Mr Paine placed the following bet using his Sportsbet account 131734086 in which you had an interest in;

\$500-place R6 No12 Belflyer Casino 12 August 2017 (placed 2nd winning bet \$2500)

5. Such \$500 bet being placed using \$500 of the \$1100 deposit in conjunction with charges 20 and 22.
6. On 22 August 2017 Mr Paine withdrew \$1000 from his Sportsbet account 131734086 using his Sportsbet Cash Card. Such funds being part proceeds of the winning bet placed on Belflyer (less additional losing bets placed on 12, 15 and 19 August 2017) in which you had an interest in.
7. On 23 August 2017 Mr Paine withdrew \$900 from his Sportsbet account 131734086 using his Sportsbet Cash Card. Such funds being part proceeds of the winning bet placed on Belflyer (less additional losing bets placed on 12, 15 and 19 August 2017) in which you had an interest in.

Charge 22

The details of the charge being that you licensed jockey Adam Hyeronimus did have an interest in a bet of \$500 win on Sovereign Nation at Flemington on 12 August 2017 when that horse finished 1st in Race 3 on that day by reason of the following particulars.

1. On 12 August 2017 you deposited \$1100 from your bank account number 062439-10327025 into the bank account number 062439-10670798 belonging to licensed stablehand Mr Blake Paine.
2. On 12 August 2017 Mr Blake Paine transferred \$1000 and \$150 from his bank account number 062439-10670798 into his bank account number 062230-11179024.
3. On 12 August 2017 Mr Paine deposited \$1000 and \$150 into his Sportsbet account 131734086 from his bank account number 062230-11179024
4. On 12 August 2017 Mr Paine placed the following bet using his Sportsbet account 131734086 in which you had an interest in;

\$500-win R3 No2 Sovereign Nation Flemington 12 August 2017 (placed 1st winning bet \$1000)

5. Such \$500 bet being placed using \$500 of the \$1100 deposit in conjunction with charges 20 and 21.
6. On 22 August 2017 Mr Paine withdrew \$1000 from his Sportsbet account 131734086 using his Sportsbet Cash Card. Such funds being part proceeds of the winning bet placed on Sovereign Nation (less additional losing bets placed on 12, 15 and 19 August 2017) in which you had an interest in.

7. On 23 August 2017 Mr Paine withdrew \$900 from his Sportsbet account 131734086 using his Sportsbet Cash Card. Such funds being part proceeds of the winning bet placed on Sovereign Nation (less additional losing bets placed on 12, 15 and 19 August 2017) in which you had an interest in.

Charge 23

The details of the charge being that you licensed jockey Adam Hyeronimus did have an interest in a bet of \$500 win on Prince Of The Turf at Lismore on 15 August 2017 when that horse finished 5th in Race 8 on that day by reason of the following particulars.

1. On 15 August 2017 Mr Paine placed the following bet using his Sportsbet account 131734086 in which you had an interest in;

\$500-win R8 No3 Prince Of The Turf Lismore 15 August 2017 (placed 5th losing bet)

2. Such bet placed using winnings of bets detailed in charges 21 and 22.

Charge 24

The details of the charge being that you licensed jockey Adam Hyeronimus did have an interest in a bet of \$300 win on Ploverset at Caulfield on 19 August 2017 when that horse finished 3rd in Race 5 on that day by reason of the following particulars.

1. On 19 August 2017 Mr Paine placed the following bet using his Sportsbet account 131734086 in which you had an interest in;

\$300-win R5 No7 Ploverset Caulfield 19 August 2017 (placed 3rd losing bet)

2. Such bet placed using winnings of bets detailed in charges 21 and 22.

Charge 25

The details of the charge being that you licensed jockey Adam Hyeronimus did have an interest in a bet of \$300 win on Boomtown Rat at Kembla Grange on 19 August 2017 when that horse finished 2nd in race 3 on that day by reason of the following particulars.

1. On 19 August 2017 Mr Paine placed the following bet using his Sportsbet account 131734086 in which you had an interest in;

\$300-win R3 No1 Boomtown Rat Kembla Grange 19 August 2017 (placed 2nd losing bet)

2. Such bet placed using winnings of bets detailed in charges 21 and 22.

Charge 26

The details of the charge being that you licensed jockey Adam Hyeronimus did have an interest in a bet of \$500 win on The Bull at Tampa Bay (USA) 18 January 2018 when that horse finished 4th in Race 7 on that day by reason of the following particulars.

1. On 18 January 2018 you deposited \$1000 from your bank account number 062439-10327025 into the bank account number 062439-10670798 belonging to licensed stablehand Mr Blake Paine.
2. On 18 January 2018 Mr Paine deposited \$800 into his Sportsbet account 131734086 from his bank account number 062230-11179024
3. On 18 January 2018 Mr Paine placed the following bet using his Sportsbet account 131734086 in which you had an interest in;

\$500-win R7 No9 The Bull Tampa Bay (USA) 17 January 2018 (placed 4th losing bet)

Charge 27

The details of the charge being that you licensed jockey Adam Hyeronimus did have an interest in a bet of \$1000 win on Eye Guy at Singapore on 15 July 2018 when that horse finished 1st in Race 5 on that day by reason of the following particulars.

1. On 15 July 2018 you deposited \$1000 from your bank account number 062439-10327025 into the bank account number 062439-10670798 belonging to licensed stablehand Mr Blake Paine.
2. On 15 July 2018 Mr Blake Paine transferred \$1000 from his bank account number 062439-10670798 into his bank account number 062230-11179024.
3. On 15 July 2018 Mr Paine deposited \$1000 into his Sportsbet account 131734086 from his bank account number 062230-11179024
4. On 15 July 2018 Mr Paine placed the following bet using his Sportsbet account 131734086 in which you had an interest in;

\$1000-win R5 No5 Eye Guy Singapore 15 July 2018 (placed 1st Winning bet \$3100)

5. On 15 July 2018 Mr Paine transferred \$4000 from his Sportsbet account 131734086 to his bank account number 062230-11179024 (Deposited 17 July 2018).
6. On 18 July 2018 Mr Paine withdrew \$3100 from his bank account number 062230-11179024 at the Commonwealth Bank Westfields Eastgardens branch. Such funds being for the winning bet (including \$1000 stake) placed on R5 No5 Eye Guy Singapore 15 July 2018 in which you had an interest in.

Charge 28

The details of the charge being that you licensed jockey Adam Hyeronimus did have an interest in a bet of \$1000 win on My Kind Of Man at Singapore on 20 July 2018 when that horse finished 4th in Race 5 on that day by reason of the following particulars.

1. On 20 July 2018 you deposited \$1000 from your bank account number 062439-10327025 into the bank account number 062439-10670798 belonging to licensed stablehand Mr Blake Paine.
2. On 20 July 2018 Mr Blake Paine transferred \$1000 from his bank account number 062439-10670798 into his bank account number 062230-11179024.
3. On 20 July 2018 Mr Paine deposited \$1000 into his Sportsbet account 131734086 from his bank account number 062230-11179024
4. On 20 July 2018 Mr Paine placed the following bet using his Sportsbet account 131734086 in which you had an interest in;

\$1000-win R5 No4 My Kind Of Man Singapore 20 July 2018 (placed 4th losing bet)

Charge 29

The details of the charge being that you licensed jockey Adam Hyeronimus did have an interest in a bet of \$500 win on Sandtop at Singapore on 22 July 2018 when that horse finished 1st in Race 6 on that day by reason of the following particulars.

1. On 21 July 2018 you deposited \$1000 from your bank account number 062439-10327025 into the bank account number 062439-10670798 belonging to licensed stablehand Mr Blake Paine.
2. On 22 July 2018 Mr Blake Paine transferred \$500 from his bank account number 062439-10670798 into his bank account number 062230-11179024.
3. On 22 July 2018 Mr Paine deposited \$500 into his Sportsbet account 131734086 from his bank account number 062230-11179024
4. On 22 July 2018 Mr Paine placed the following bet using his Sportsbet account 131734086 in which you had an interest in;

\$500-win (\$500 of a \$700 bet) R6 No3 Sandtop Singapore 22 July 2018 (placed 1st winning bet \$2200)

5. On 23 July 2018 Mr Paine transferred \$3100 from his Sportsbet account 131734086 to his bank account number 062230-11179024 (Deposited 24 July 2018).
6. On 26 July 2018 Mr Paine withdrew \$2000 from his bank account number 062230-11179024 at the Commonwealth Bank Matraville branch. Such funds being part proceeds of the winning bet placed on R6 No3 Sandgate Singapore 20 July 2018 in which you had an interest in.

Charge 30

The details of the charge being that you licensed jockey Adam Hyeronimus did have an interest in a bet of a \$1000 double win on Golden Years (Race 2) and Attention (Race 1) at Singapore on 19 August 2018 when those horses finished 2nd and 3rd respectively on that day by reason of the following particulars.

1. On 19 August 2018 you deposited \$1000 from your bank account number 062439-10327025 into the bank account number 062439-10670798 belonging to licensed stablehand Mr Blake Paine.
2. On 19 August 2018 Mr Blake Paine transferred \$1000 from his bank account number 062439-10670798 into his bank account number 062230-11179024.
3. On 19 August 2018 Mr Paine deposited \$1000 into his Sportsbet account 131734086 from his bank account number 062230-11179024
4. On 19 August 2018 Mr Paine placed the following bet using his Sportsbet account 131734086 in which you had an interest in;

\$1000-double win R2 No6 Golden Years (placed 2nd) and R1 No 4 Attention (placed 3rd) Singapore 19 August 2018 (losing bet).

Charge 31

The details of the charge being that you licensed jockey Adam Hyeronimus did have an interest in a bet of \$1000 win on Gingerella at Singapore on 13 January 2019 when that horse finished 1st in Race 3 on that day by reason of the following particulars.

1. On 13 January 2019 Mr Blake Paine transferred \$1000 from his bank account number 062439-10670798 into his bank account number 062230-11179024.
2. On 13 January 2019 Mr Paine deposited \$1000 into his Sportsbet account 131734086 from his bank account number 062230-11179024

3. On 13 January 2019 Mr Paine placed the following bet using his Sportsbet account 131734086 in which you had an interest in;

\$1000-win (\$1000 of a \$1200 bet) R3 No7 Gingerella Singapore 13 January 2019 (placed 1st winning bet \$4200)

4. On 18 January 2019 Mr Paine transferred \$4000 from his Sportsbet account 131734086 to his bank account number 062230-11179024 (Deposited 17 July 2018).
5. On 21 January 2019 Mr Paine withdrew \$3500 from his bank account number 062230-11179024 at the Commonwealth Bank Matraville branch. Such funds being part proceeds from the winning bet placed on R3 No7 Gingerella Singapore 18 January 2019 in which you had an interest in.

Charge 32

Licensed jockey Adam Hyeronimus you are hereby charged giving false evidence at a Stewards inquiry

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.*

The details of the charge being that you licensed jockey Adam Hyeronimus did give the following evidence at a Stewards Inquiry conducted at the Offices of Racing NSW on 30 May 2019 in respect to your betting activities in the knowledge that such evidence was false.

Page 12 Line 441

A HYERONIMUS: Do I place bets? Yes.

CHAIRMAN: And what do you place bets on?

A HYERONIMUS: Sport.

CHAIRMAN: Right?

A HYERONIMUS: Trots, dogs

CHAIRMAN: Right. What about thoroughbred racing?

A HYERONIMUS: No.

CHAIRMAN: Have you ever placed a bet on thoroughbred racing?

A HYERONIMUS: No.

Page 18 Line 620

CHAIRMAN: Sure. In relation to thoroughbred racing, are you a member of any punting syndicate or punters' club at all?

A HYERONIMUS: No.

CHAIRMAN: You are not at all?

A HYERONIMOUS: No.

CHAIRMAN: *Because there seems to be messages there that I suggest to you suggest that you are?*

A HYERONIMUS: *Yep.*

CHAIRMAN: *You say that you are not?*

A HYERONIMOUS: *No.*

CHAIRMAN: *You don't contribute any money on a weekly basis to be involved in a punters' club or a syndicate of people who are betting?*

A HYERONIMUS: *No.*

CHAIRMAN: *On thoroughbred racing? Sports in general?*

A HYERONIMUS: *No.*

CHAIRMAN: *Not with your cousin or your friend Blake Paine?*

A HYERONIMUS: *No.*

Page 19 Line 663

CHAIRMAN: *Anyway, we will continue on. So in that regard you say you are not a member of a punting club or a syndicate and that you are not aware of contributing any funds to a club?*

A HYERONIMUS: *No. (inaudible)*

CHAIRMAN: *Pardon?*

A HYERONIMUS: *No.*

Page 20 Line 687

And I should just confirm, Adam, that you indicated at the start of this inquiry that you never placed a bet on a thoroughbred horse race since you have been a licensed jockey or apprentice jockey?

A HYERONIMUS: *Yeah.*

CHAIRMAN: *And you have never asked anyone person, including Blake Paine, to place a bet on your behalf on any thoroughbred race?*

A HYERONIMUS: *Yep.*

CHAIRMAN: *Is that the case?*

A HYERONIMUS: *Yes.*

Page 20 Line 716

CHAIRMAN: *Did you place a bet —?*

A HYERONIMUS: *No.*

CHAIRMAN: *— or ask Blake Paine to place a bet on Niccolance or Lucky Fish?*

A HYERONIMUS: *No.*

Page 21 Line 745

CHAIRMAN: *He says he didn't back it, yes.*

So you say in relation to Niccolance or Lucky Fish there were bets of \$500 a win on both horses and you say those bets weren't yours?

A HYERONIMUS: *Yes.*

CHAIRMAN: *Or you didn't ask Blake Paine to place those bets for you?*

A HYERONIMUS: *No.*

Page 22 Line 770

CHAIRMAN: *....So in relation to the Thronum bet, is that a bet that you asked Blake Paine to place on your behalf on that horse?*

A HYERONIMUS: *No.*

CHAIRMAN: *Are you certain about that?*

A HYERONIMUS: *Yes.*

Page 27 Line 955

CHAIRMAN: *.....Did you ask Blake Paine to place a thousand dollar bet on El Divino in the Golden Rose?*

A HYERONIMUS: *No.*

CHAIRMAN: *Are you sure about that?*

A HYERONIMUS: *Yes.*

Page 28 Line 977

CHAIRMAN: *.....And then there's a bet the next day placed at \$500 for El Divino to win The Run to The Rose.*

Now in respect to those two bets did you ask Blake Paine to place those bets on your behalf?

A HYERONIMUS: *No.*

CHAIRMAN: *Did you have any conversation with Blake Paine in relation to the placement of those bets on El Divino?*

A HYERONIMUS: *No.*

Page 28 Line 990

CHAIRMAN: *He had a thousand on it to win the Golden Rose at 12 to 1, he has got it going for about 12,000; a thousand dollars on it to win The Run to the Rose at \$6, he has got it going for about \$6,000. You say you never asked him to place those bets?*

A HYERONIMUS: *No.*

Page 29 Line 1000

CHAIRMAN: *But you say you didn't have anything on him?*

A HYERONIMUS: *No.*

Page 29 Line 1014

CHAIRMAN: *But you say those bets are not yours?*

A HYERONIMUS: *Yes.*

CHAIRMAN: *Or not bets that you asked Blake Paine to place on your behalf?*

A HYERONIMUS: *That I asked?*

CHAIRMAN: *You didn't ask Blake Paine to place those on your behalf?*

A HYERONIMUS: *No.*

Page 31 Line 1072

CHAIRMAN: *I put it to you that you knew that that was the bet and you knew that you stood to collect \$21,000 and that was going to be your business class fair to Hong Kong when you went and it was your bet. I put that to you. Do you agree with that?*

A HYERONIMUS: *No.*

CHAIRMAN: *It is not your bet?*

A HYERONIMUS: *No.*

CHAIRMAN: *And you go on to say then, "El Divino won Saturday sitting on 32K," because we know then that there was \$11,000 to win on El Divino, wasn't there when we look at the other bets, and you say that's Blake Paine?*

A HYERONIMUS: *Yes.*

Page 32 Line 1095

CHAIRMAN: *So, so far all those bets I put to you, they are not yours, you don't know whose they are but presumably they are Blake Paine's?*

A HYERONIMUS: *Yes.*

Page 32 Line 1111

CHAIRMAN: *All right, just continuing on, we have gone through the double of Coonawarra and Purrari we then move on to Caped Crusader. You see there at line 117 there is a bet of \$1,000, Race 8 number 7 Caped Crusader placed on that date.*

Line 110 there is a text message between yourself and an unknown person – sorry Gai Waterhouse, I should say. She is known. "Caped Crusader was my best, very strong work. All my horses worked a bit keen but I think it is the wind stirring them up."

Then there is some conversation about Selita and then your brother says at line 113 "Will Caped Crusader get into the Epsom if it wins tomorrow yeah," "Will you get back on it or light weight again," "Should win tomorrow. It will have 51." You remember you see that bet being placed at \$1000 on Caped Crusader. Did you ask Blake Paine to place that bet for you?

A HYERONIMUS: *No.*

CHAIRMAN: *Are you certain about that?*

A HYERONIMUS: *Yes.*

CHAIRMAN: *We also see below that a bet of a thousand dollars to win at Newcastle on the 1st October, some seven days later, a horse called Hit The Floor, and Hit The Floor, as is Caped Crusader, obviously a horse trained by Gai Waterhouse. You in fact had ridden it in a barrier trial 10 days before that race in question and we see a thousand dollar bet going on Caped Crusader using that account.*

What do you say in relation to that bet, Adam? Is that a bet you asked him to place for you?

A HYERONIMUS: *No.*

Page 34 Line 1167

CHAIRMAN: *Did you have a bet on Prized Icon?*

A HYERONIMUS: *No.*

Page 34 Line 1194

CHAIRMAN: *It was a horse that you liked and that bet of a thousand dollars on Selita, was that your bet?*

A HYERONIMUS: *No.*

Page 35 Line 1206

CHAIRMAN: *And he says, "Okay, what price," you say, "It's 3 to 1 I think." He says, "okay sweet." And then we see a bet there of \$2,000 on Sweet Redemption and a two thousand dollar deposit using card 5226. Is that your bet?*

A HYERONIMUS: *No.*

CHAIRMAN: *Did you ask Blake Paine to place that bet on your behalf?*

A HYERONIMUS: *No.*

Page 36 Line 1239

CHAIRMAN: *And above that on the 31st when obviously the weights come out you say, "I'm riding Lucky Meteor I think it can win." And then on that same account four days later we see the bet of \$500 a win going on Lucky Meteor with a five hundred dollar deposit from the same account.*

Is that bet yours? Did you ask Blake Paine to place that?

A HYERONIMUS: *No.*

CHAIRMAN: *What about the bet below it, there's a twelve hundred dollar bet, two lots of \$600 on a horse called El Teniente, another horse trained by Mr Shelton. \$1,200 bet on a horse at Coff's Harbour. Is that your bet?*

A HYERONIMUS: *No.*

CHAIRMAN: *Did you ask Blake Paine to place that on your behalf?*

A HYERONIMUS: *No.*

Page 36 Line 1257

CHAIRMAN: *You are in a punters' club, aren't you?*

A HYERONIMUS: *2017?*

CHAIRMAN: *You were in a punters' club, weren't you? (No audible answer).*

P O'SULLIVAN *Where do you get the punters' club?*

CHAIRMAN: *"I did your 20 for punters," line 153.*

P O'SULLIVAN *That establishes a punters' club, does it?*

CHAIRMAN: *Well that is the evidence of Blake Paine.*

P O'SULLIVAN *"I did your 20 for punters."*

CHAIRMAN: *Do you deny that you would transfer money or give money to Blake Paine, \$20 a week to be on a punters' club?*

A HYERONIMUS: *Yes.*

CHAIRMAN: *You deny that?*

A HYERONIMUS: *Yes.*

Page 37 Line 1278

CHAIRMAN: *....On that same day we see a bet for \$200 each way, Race 7 number 7, Zenalicious. There's a \$400 deposit to pay for that bet. Did you ask Blake Paine to place that bet on your behalf?*

A HYERONIMUS: *No.*

CHAIRMAN: *Why would you be asking about Zenalicious then? You said you thought its trial was a cracker. You told Tim Clark to get in. You said it was big odds and then we see a bet placed on the horse, 200 each way. Doesn't that indicate that you liked the horse?*

A HYERONIMUS: *It indicates I was interested in. Tim was riding it. Tim is a good friend of mine. I don't understand why —*

CHAIRMAN: *Why would it matter if it was big odds or not? Because you were going to have a bet on it, weren't you?*

A HYERONIMUS: *No.*

CHAIRMAN: *You deny that's your bet?*

A HYERONIMUS: *Yes.*

CHAIRMAN: *That you asked Blake Paine to place that bet?*

A HYERONIMUS: *Pardon?*

CHAIRMAN: *You didn't ask Blake Paine to place that bet on your behalf?*

A HYERONIMUS: *No.*

Page 38 Line 1800

CHAIRMAN: *Yes. Do you remember the day in question, 22nd February 2017, trained by Tim Martin having its first race start? You rode it in a trial on the 31st January and the 22nd February was race day. You see there a \$600 bet placed on Limbo Soul. You see that?*

A HYERONIMUS: *Yep.*

CHAIRMAN: *In the Sportsbet account. Is that your bet?*

A HYERONIMUS: *No.*

CHAIRMAN: *You are certain about that?*

A HYERONIMUS: *Yes.*

Page 39 Line 1332

CHAIRMAN: *...There's a \$600 bet there placed on the horse. Did you ask Blake Paine or any other person to place that bet on that horse?*

A HYERONIMUS: *No.*

CHAIRMAN: *Did you have a share in that bet at all?*

A HYERONIMUS: *No.*

Page 39 Line 1357

CHAIRMAN: *I put it to you that you asked Blake Paine to have \$500 on it because at the end of the race, once the race is over, at odds of 8 to 1 he withdraws \$4,000 from the account. I put it to you that he gave you the \$4,000. \$500 at 8 to 1 gives you \$4,000. Is that what happened?*

A HYERONIMUS: *No.*

CHAIRMAN: *You got \$4,000 for that horse winning that race?*

A HYERONIMUS: *No.*

CHAIRMAN: *Do you have any other explanation as to why he said that to you, he had a hundred on it as well?*

A HYERONIMUS: *No.*

CHAIRMAN: *Not your bet?*

A HYERONIMUS: *No.*

Page 41 Line 1428

CHAIRMAN: *You see back up the page there in the yellow there is a bet there on Baby Jive at Wyong. There is a \$430 deposit, or \$430 bet. Well there's two bets of a hundred, a bet of 200 and one bet of 30. And then you say just below that "Baby Jive is in today at Wyong today. John Shelton likes Lucky Meteor in the last at Grafton," and you say to your brother Jason, "Baby Jive will run good at Wyong," and then the conversation starts with the manager where you say to Blake Paine, "My manager is going to send you some numbers etc."*

So in respect to that bet on Baby Jive, it seems an unusual amount to bet on a horse, \$430. Is that bet or any part of that bet a bet that you asked Blake Paine to put on your behalf?

A HYERONIMUS: *No.*

Page 43 Line 1485

CHAIRMAN: *Why would you be asking him to place a bet on thoroughbred racing? You came in here and said to us you don't place bets on thoroughbred racing. Now we have evidence that appears there is at least one there.*

I've taken you through a number of bets from the Sportsbet account which are outlier bets which would appear to me to be bets that can't be substantiated by a person who is either a stablehand or an apprentice fridge mechanic, bets of a thousand, \$2,000.

I put it to you that those bets are yours, all those bets, in the vicinity of a thousand and \$2,000, \$500 that we have taken you to. Are they your bets?

A HYERONIMUS: *No.*

Page 44 Line 1511

CHAIRMAN: *And then we see the bet above it there, Race 3, number 2, Sovereign Nation at Flemington \$500 a win surprisingly ridden by Regan Bayliss. Did you ask him to place that bet?*

A HYERONIMUS: *No.*

CHAIRMAN: *Why did you say then, "Have that money on it to win then"?*

A HYERONIMUS: *Well, I don't recall, sir, but obviously —*

CHAIRMAN: *Doesn't the evidence suggest you asked him to place that bet?*

A HYERONIMUS: *No.*

CHAIRMAN: *It doesn't?*

A HYERONIMUS: *I don't know how you work that out.*

CHAIRMAN: *You told him to "have that money on it to win then"?*

A HYERONIMUS: *Yes, but that doesn't mean it's my money.*

CHAIRMAN: *It's not your money?*

A HYERONIMUS: *How does—?*

CHAIRMAN: *You are telling him what to bet with his money now, are you?*

A HYERONIMUS: *It doesn't say that that's my money and that's my bet.*

CHAIRMAN: *No, but you've told him about Belflyer, that John Shelton has tipped it and Casino Race 6 number 12.*

P O'SULLIVAN *That's referring back to 386, if you go back, to Race 6 where Blake says to Adam, "I've got \$500 to put on it".*

CHAIRMAN: *Yes.*

P O'SULLIVAN *So that's consistent with Adam later saying "Put that 500 on".*

CHAIRMAN: *No, he says, "I've got 500 on the place," which is the bet we've seen which has been placed and it says so far "Keep applying the 500 so we will wait a bit and try again," and he says underneath, "the other 500."*

So obviously there has been a discussion to have a thousand dollars a place the horse because he talks about the other 500.

P O'SULLIVAN *Adam says that's not his money.*

CHAIRMAN: *And Adam then says down the bottom "Have that money on it to win then. That's Regan Bayliss's horse at Flemington."*

It's not your bet, is it?

A HYERONIMUS: *No.*

CHAIRMAN: *It's not your money?*

A HYERONIMUS: *No.*

Page 46 Line 1585

CHAIRMAN: *Over the page, at the top of the page 12 there's a win bet there on Prince of Turf. Is that your bet, \$500 on Prince of Turf one of John Shelton's?*

A HYERONIMUS: *No.*

CHAIRMAN: *No your bet? (No audible answer)*

Because underneath that you say, "It's blown out to 8.50." You say, "not a good sign." Blake says, "fuck me fuck." You say, "never a good sign. Yeah, that's fucked." "c of a ride," you say, "fuck John. Can't talk the chat I'll still stay out of it till it blows over."

You have taken a fair interest in the price being offered about Prince of Turf, that it was blowing out in the market. Any reason that you would be taking attention as to the horse drifting in the market?

A HYERONIMUS: *I pay attention to all John's horses.*

CHAIRMAN: *Do you? You are pretty upset about it though?*

A HYERONIMUS: *Well clearly Blake's backed him. I know that he's backed him because I told him that John liked it.*

Page 47 Line 1641

CHAIRMAN: *Then underneath that on the 19th, the following day, there's a bet of \$300 Boomtown Rat at Goulburn. You rode at Randwick that day. Did you place that bet or did you ask Blake Paine to place that bet for you?*

A HYERONIMUS: *No, sir*

Page 49 Line 1708

CHAIRMAN: *\$300 and a thousand dollars to win, a thousand dollars to win, \$700 a win. Blake Paine hasn't been able to give us an explanation in relation to those. What do you say, are they bets you placed or asked Blake to place on your behalf?*

A HYERONIMUS: *No, sir.*

CHAIRMAN: *Underneath it there's another thousand dollars on the 19th August Singapore, a double with two horses, Attention and Golden News. Is that yours?*

A HYERONIMUS: *No, sir.*

Licensed Stablehand Mr Blake Paine you are hereby charged with the following charges under AR236 for betting for a jockey in contravention of AR115(1)(e)

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.

AR 115 Jockey and apprentice jockey misconduct

(1) *A jockey or apprentice jockey must not:*

(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.*

Charge 1

The details of the charge being that you licensed stablehand Mr Blake Paine did place a bet for licensed jockey Mr Adam Hyeronimus in a race in which he rode in of \$500 win on Lucky Meteor at Canterbury on 5 November 2016 when that horse finished 3rd in Race 3 on that day resulting in Mr Hyeronimus contravening AR115(1)(e) by reason of the following particulars.

5. On 4 November 2016 Mr Adam Hyeronimus deposited \$500 from his bank account number 062439-10327025 into your bank account number 062439-10670798.
6. On 4 November 2016 you deposited \$500 into your Sportsbet account 131734086 from your bank account number 062230-11179024.
7. On 4 November 2016 you placed the following bet using your Sportsbet account 131734086 in which Mr Adam Hyeronimus had an interest in;

\$500-win R3 No6 Lucky Meteor Canterbury 5 November 2016 (placed 3rd losing bet)

8. On 5 November 2016 jockey Mr Adam Hyeronimus rode Lucky Meteor in Race 3 at Canterbury on that day.

Charge 2

The details of the charge being that you licensed stablehand Mr Blake Paine did place a bet for licensed jockey Mr Adam Hyeronimus in a race in which he rode in of \$500 win on Limbo Soul at Rosehill on 22 February 2017 when that horse finished 1st in Race 2 on that day resulting in Mr Hyeronimus contravening AR115(1)(e) by reason of the following particulars.

5. On 22 February 2017 you deposited \$600 into your Sportsbet account 131734086 from your bank account number 062230-11179024.
6. On 22 February 2017 you placed the following bet using your Sportsbet account 131734086 in which Mr Adam Hyeronimus had an interest in;

\$500-win R2 No7 Limbo Soul Rosehill 22 February 2017 (placed 1st Winning Bet \$4000) (\$600 bet placed in total \$100 being for you)

7. On 22 February 2017 jockey Mr Adam Hyeronimus rode Limbo Soul Race 2 at Rosehill on that day.
8. On 23 February 2017 you withdrew from your Sportsbet account 131734086 a total of \$4000 (4 x \$1000 withdrawals) using your Sportsbet Cash Card. Such funds being for the winning bet placed (including \$500 stake) on R2 No7 Limbo Soul Rosehill 22 February 2017 in which Mr Adam Hyeronimus had an interest in.

Licensed Stablehand Mr Blake Paine you are hereby charged with the following charges under AR236 for betting for a jockey in contravention of AR115(1)(c)

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.

AR 115 Jockey and apprentice jockey misconduct

(2) A jockey or apprentice jockey must not:

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

Charge 3

The details of the charge being that you licensed stablehand Mr Blake Paine did place a bet for licensed jockey Mr Adam Hyeronimus of \$500 win on Niccolance at Canterbury Park on 22 June 2016 when it finished 4th in Race 1 on that day resulting in Mr Hyeronimus contravening AR115(1)(c) by reason of the following particulars.

5. On 22 June 2016 Mr Adam Hyeronimus deposited \$500 from his bank account number 062439-10327025 into your bank account number 062439-10670798.
6. On 22 June 2016 you transferred \$500 from your bank account number 062439-10670798 into your bank account number 062230-11179024.
7. On 22 June 2016 you deposited \$500 into your Sportsbet account 131734086 from your bank account number 062230-11179024.
8. On 22 June 2016 you placed the following bet using your Sportsbet account 131734086 in which Mr Adam Hyeronimus had an interest in;

\$500-win R1 No 6 Niccolance Canterbury 22 June 2016 (placed 4th losing bet)

Charge 4

The details of the charge being that you licensed stablehand Mr Blake Paine did place a bet for licensed jockey Mr Adam Hyeronimus of \$500 win on Lucky Fish at Canterbury Park on 22 June 2016 when it finished 6th in Race 6 on that day resulting in Mr Hyeronimus contravening AR115(1)(c) by reason of the following particulars.

5. On 22 June 2016 Mr Adam Hyeronimus deposited \$500 from his bank account number 062439-10327025 into your bank account number 062439-10670798.
6. On 22 June 2016 you transferred \$500 from your bank account number 062439-10670798 into your bank account number 062230-11179024.
7. On 22 June 2016 you deposited \$500 into your Sportsbet account 131734086 from your bank account number 062230-11179024.
8. On 22 June 2016 you placed the following bet using your Sportsbet account 131734086 in which Mr Adam Hyeronimus had an interest in;

\$500-win R6 No 5 Lucky Fish Canterbury 22 June 2016 (placed 6th losing bet)

Charge 5

The details of the charge being that you licensed stablehand Mr Blake Paine did place a bet for licensed jockey Mr Adam Hyeronimus of \$400 win on Thronum at Kembla Grange on 25 June 2016 when it finished 1st in Race 4 on that day resulting in Mr Hyeronimus contravening AR115(1)(c) by reason of the following particulars.

9. On 25 June 2016 Mr Adam Hyeronimus deposited \$500 from his bank account number 062439-10327025 into your bank account number 062439-10670798.
10. On 25 June 2016 you transferred \$500 from your bank account number 062439-10670798 into your bank account number 062230-11179024.
11. On 25 June 2016 you deposited \$600 into your Sportsbet account 131734086 from your bank account number 062230-11179024.
12. On 25 June 2016 you placed the following bet using his Sportsbet account 131734086 in which Mr Adam Hyeronimus had an interest in;

\$400-win R4 No2 Thronum Kembla Grange 25 June (placed 1st winning bet \$880)

13. Such \$400 bet being placed using \$400 of the \$600 deposit in conjunction with charge 6.
14. On 26 June 2016 you transferred \$880 from your Sportsbet account 131734086 to your bank account number 062230-11179024.
15. On 26 June 2016 you transferred \$380 and 28 June 2016 you transferred \$500 from your bank account number 062230-11179024 to bank account number 062439-10327025 belonging to Mr Adam Hyeronimus.
16. Such funds being the proceeds of the winning bet (including \$400 stake) placed on R4 No2 Thronum Kembla Grange 25 June 2016 in which Mr Adam Hyeronimus had an interest in.

Charge 6

The details of the charge being that you licensed stablehand Mr Blake Paine did place a bet for licensed jockey Mr Adam Hyeronimus of \$100 quinella on Dark Eyes and Static Lift at Randwick on 25 June 2016 when they finished 7th and 2nd respectively in Race 1 in that day resulting in Mr Hyeronimus contravening AR115(1)(c) by reason of the following particulars.

6. On 25 June 2016 Mr Adam Hyeronimus deposited \$500 from his bank account number 062439-10327025 into your bank account number 062439-10670798.
7. On 25 June 2016 you transferred \$500 from your bank account number 062439-10670798 into your bank account number 062230-11179024.
8. On 25 June 2016 you deposited \$600 into your Sportsbet account 131734086 from your bank account number 062230-11179024.
9. On 25 June 2016 you placed the following bet using your Sportsbet account 131734086 in which Mr Adam Hyeronimus had an interest in;

\$100-Quinella R1 No 5 Dark Eyes and No 8 Static Lift Randwick 25 June 2016 (placed 7th and 2nd losing bet)

10. Such \$100 bet being placed using \$100 of the \$600 deposit in conjunction with charge 5.

Charge 7

The details of the charge being that you licensed stablehand Mr Blake Paine did place a bet for licensed jockey Mr Adam Hyeronimus of \$500 win on Bon Equus at Wyong on 30 June 2016 when it finished 2nd in Race 5 on that day resulting in Mr Hyeronimus contravening AR115(1)(c) by reason of the following particulars.

5. On 30 June 2016 Mr Adam Hyeronimus deposited \$520 into your bank account number 062439-10327025 into your bank account number 062439-10670798.
6. On 30 June 2016 you transferred \$500 from your bank account number 062439-10670798 into your bank account number 062230-11179024.
7. On 30 June 2016 you deposited \$500 into your Sportsbet account 131734086 from your bank account number 062230-11179024.
8. On 30 June 2016 you placed the following bet using your Sportsbet account 131734086 in which Mr Adam Hyeronimus had an interest in;

\$500-win R5 No1 Bon Equus Wyong 30 June 2016 (placed 2nd losing bet)

Charge 8

The details of the charge being that you licensed stablehand Mr Blake Paine did place a bet for licensed jockey Mr Adam Hyeronimus of \$1000 win on El Divino at Rosehill on 10 September 2016 when it finished 2nd in Race 5 on that day resulting in Mr Hyeronimus contravening AR115(1)(c) by reason of the following particulars.

5. On 8 August 2016 Mr Adam Hyeronimus deposited \$1000 from his bank account number 062439-10327025 into your bank account number 062439-10670798.
6. On 8 August 2016 you transferred \$1000 from your bank account number 062439-10670798 into your bank account number 062230-11179024.
7. On 8 August 2016 you deposited \$1000 into your Sportsbet account 131734086 from your bank account number 062230-11179024.
8. On 8 August 2016 you placed the following bet using your Sportsbet account 131734086 in which Mr Adam Hyeronimus had an interest in;

\$1000-win El Divino Golden Rose Rosehill 10 September 2016 (Futures Bet) (placed 7th losing bet)

Charge 9

The details of the charge being that you licensed stablehand Mr Blake Paine did place a bet for licensed jockey Mr Adam Hyeronimus of \$500 win on El Divino at Rosehill on 27 August 2016 when it finished 4th in Race 6 on that day resulting in Mr Hyeronimus contravening AR115(1)(c) by reason of the following particulars.

6. On 22 August 2016 Mr Adam Hyeronimus deposited \$1000 from his bank account number 062439-10327025 into your bank account number 062439-10670798.
7. On 22 August 2016 you transferred \$1000 from your bank account number 062439-10670798 into your bank account number 062230-11179024.
8. On 22 August 2016 you deposited \$1000 into your Sportsbet account 131734086 from your bank account number 062230-11179024;
9. On 22 August 2016 you placed the following bet using your Sportsbet account 131734086 in which Mr Adam Hyeronimus had an interest in;

\$500-win El Divino Run To The Rose Rosehill 27 August 2016 (Futures Bet placed 4th losing bet)

10. Such \$500 bet being placed using \$500 of the \$1000 deposit in conjunction with charge 10.

Charge 10

The details of the charge being that you licensed stablehand Mr Blake Paine did place a bet for licensed jockey Mr Adam Hyeronimus of \$500 win on El Divino at Rosehill on 27 August 2016 when it finished 4th in Race 6 on that day resulting in Mr Hyeronimus contravening AR115(1)(c) by reason of the following particulars.

6. On 22 August 2016 Mr Adam Hyeronimus deposited \$1000 from his bank account number 062439-10327025 into your bank account number 062439-10670798.
7. On 22 August 2016 you transferred \$1000 from your bank account number 062439-10670798 into your bank account number 062230-11179024.
8. On 22 August 2016 you deposited \$1000 into your Sportsbet account 131734086 from your bank account number 062230-11179024.
9. On 23 August 2016 you placed the following bet using your Sportsbet account 131734086 in which Mr Adam Hyeronimus had an interest in;

\$500-win El Divino Run To The Rose Rosehill 27 August 2016 (Futures Bet placed 4th losing bet)

10. Such \$500 bet being placed using \$500 of the \$1000 deposit in conjunction with charge 9.

Charge 11

The details of the charge being that you licensed stablehand Mr Blake Paine did place a bet for licensed jockey Mr Adam Hyeronimus of \$200 double win on Coonawarra (Race 2) and Purrari (Race 3) at Canterbury on 7 September 2016 when those horses finished 2nd and 1st respectively on that day resulting in Mr Hyeronimus contravening AR115(1)(c) by reason of the following particulars.

3. On 6 September 2016 Mr Adam Hyeronimus deposited \$200 from his bank account number 062439-10327025 into your bank account number 062439-10670798.
4. On 6 September 2016 you placed the following bet using your Sportsbet account 131734086 in which Mr Adam Hyeronimus had an interest in;

\$200-double R2 No3 Coonawarra and R3 No2 Purrari Canterbury 6 September 2016 (placed 2nd and 1st respectively losing bet)

Charge 12

The details of the charge being that you licensed stablehand Mr Blake Paine did place a bet for licensed jockey Mr Adam Hyeronimus of \$1000 win on Caped Crusader at Rosehill on 24 September 2016 when it finished 2nd in Race 8 on that day resulting in Mr Hyeronimus contravening AR115(1)(c) by reason of the following particulars.

5. On 23 September 2016 Mr Adam Hyeronimus deposited \$1000 from his bank account number 062439-10327025 into your bank account number 062439-10670798.
6. On 24 September 2016 you transferred \$1100 from your bank account number 062439-10670798 into your bank account number 062230-11179024.
7. On 24 September 2016 you deposited \$1100 into your Sportsbet account 131734086 from your bank account number 062230-11179024.
8. On 24 September 2016 you placed the following bet using your Sportsbet account 131734086 in which Mr Adam Hyeronimus had an interest in;

\$1000-win R8 No7 Caped Crusader Rosehill 24 September 2016 (placed 2nd losing bet)

Charge 13

The details of the charge being that you licensed stablehand Mr Blake Paine did place a bet for licensed jockey Mr Adam Hyeronimus of \$1000 win on Hit The Floor at Newcastle on 1 October 2016 when it finished 1st in Race 4 on that day resulting in Mr Hyeronimus contravening AR115(1)(c) by reason of the following particulars.

5. On 1 October 2016 Mr Adam Hyeronimus deposited \$1000 from his bank account number 062439-10327025 into your bank account number 062439-10670798.
6. On 1 October 2016 you transferred \$1100 from your bank account number 062439-10670798 into your bank account number 062230-11179024.
7. On 1 October 2016 you deposited \$1100 into your Sportsbet account 131734086 from your bank account number 062230-11179024.
8. On 1 October 2016 you placed the following bet using your Sportsbet account 131734086 in which Mr Adam Hyeronimus had an interest in;

\$1000-win R4 No1 Hit The Floor Newcastle 1 October 2016 (placed 1st winning bet \$3500)

Charge 14

The details of the charge being that you licensed stablehand Mr Blake Paine did place a bet for licensed jockey Mr Adam Hyeronimus of \$1000 win on Selita at Canterbury on 5 October 2016 when that horse finished 2nd in Race 7 on that day resulting in Mr Hyeronimus contravening AR115(1)(c) by reason of the following particulars.

3. On 4 October 2016 you placed the following bet using your Sportsbet account 131734086 in which Mr Adam Hyeronimus had an interest in;

\$1000-win R7 No1 Selita Canterbury 5 October 2016 (placed 2nd losing bet)

4. Such bet being placed using funds from a winning bet detailed in charge 13.

Charge 15

The details of the charge being that you licensed stablehand Mr Blake Paine did place a bet for licensed jockey Mr Adam Hyeronimus of \$1000 win on Prized Icon at Randwick on 8 October 2016 when that horse finished 3rd in Race 7 on that day resulting in Mr Hyeronimus contravening AR115(1)(c) by reason of the following particulars.

1. On 8 October 2016 you placed the following bet using your Sportsbet account 131734086 in which Mr Adam Hyeronimus had an interest in;

\$1000-win R7 No1 Prized Icon Randwick 8 October 2016 (placed 3rd losing bet)

2. Such bet being placed using funds from a winning bet detailed in charge 13.

Charge 16

The details of the charge being that you licensed stablehand Mr Blake Paine did place a bet for licensed jockey Mr Adam Hyeronimus of \$2000 win on Sweet Redemption at Warwick Farm on 12 October 2016 when that horse finished 5th in Race 6 on that day resulting in Mr Hyeronimus contravening AR115(1)(c) by reason of the following particulars.

5. On 12 October 2016 Mr Adam Hyeronimus deposited \$2000 from his bank account number 062439-10327025 into your bank account number 062439-10670798.
6. On 12 October 2016 you transferred \$2000 from your bank account number 062439-10670798 into your bank account number 062230-11179024.
7. On 12 October 2016 you deposited \$2000 into your Sportsbet account 131734086 from your bank account number 062230-11179024.
8. On 12 October 2016 you placed the following bet using your Sportsbet account 131734086 in which Mr Adam Hyeronimus had an interest in;

9.

\$2000-win R6 No1 Sweet Redemption Warwick Farm 12 October 2016 (placed 5th losing bet)

Charge 17

The details of the charge being that you licensed stablehand Mr Blake Paine did place bets for licensed jockey Mr Adam Hyeronimus totaling \$1000 win on El Teniente at Coffs Harbour on 20 December 2016 when that horse finished 7th in Race 1 on that day resulting in Mr Hyeronimus contravening AR115(1)(c) by reason of the following particulars.

5. On 20 December 2016 Mr Adam Hyeronimus deposited \$1000 from his bank account number 062439-10327025 into your bank account number 062439-10670798.
6. On 20 December 2016 you transferred \$1200 from your bank account number 062439-10670798 into your bank account number 062230-11179024.
7. On 20 December 2016 you deposited \$1200 into your Sportsbet account 131734086 from your bank account number 062230-11179024.
8. On 20 December 2016 you placed the following bets using your Sportsbet account 131734086 in which Mr Adam Hyeronimus had an interest in;
 - c. *\$500-win (\$500 of a \$600 bet) R1 No1 El Teniente Coffs Harbour 20 December 2016 (placed 7th losing bet)*
 - d. *\$500-win (\$500 of a \$600 bet) R1 No1 El Teniente Coffs Harbour 20 December 2016 (placed 7th losing bet)*

Charge 18

The details of the charge being that you licensed stablehand Mr Blake Paine did place a bet for licensed jockey Mr Adam Hyeronimus of \$400 win on Zenalicious at Kensington on 13 February 2017 when that horse finished 9th in Race 7 on that day resulting in Mr Hyeronimus contravening AR115(1)(c) by reason of the following particulars.

5. On 13 February 2017 Mr Adam Hyeronimus deposited \$400 from his bank account number 062439-10327025 into your bank account number 062439-10670798.
6. On 13 February 2017 you transferred \$400 from your bank account number 062439-10670798 into your bank account number 062230-11179024.
7. On 13 February 2017 you deposited \$400 into your Sportsbet account 131734086 from your bank account number 062230-11179024.
8. On 13 February 2017 you placed the following bet using your Sportsbet account 131734086 in which Mr Adam Hyeronimus had an interest in;

\$200-win & \$200 place R7 No7 Zenalicious Kensington 13 February 2017 (placed 9th losing bet)

Charge 19

The details of the charge being that you licensed stablehand Mr Blake Paine did place bets for licensed jockey Mr Adam Hyeronimus bets totaling \$400 win on Baby Jive at Wyong on 13 July 2017 when that horse finished 6th in Race 4 on that day resulting in Mr Hyeronimus contravening AR115(1)(c) by reason of the following particulars.

5. On 13 July 2017 Mr Adam Hyeronimus deposited \$400 from his bank account number 062439-10327025 into your bank account number 062439-10670798.
6. On 13 July 2017 you transferred \$400 from your bank account number 062439-10670798 into your bank account number 062230-11179024.
7. On 13 July 2017 you deposited \$400 into your Sportsbet account 131734086 from your bank account number 062230-11179024.
8. On 13 July 2017 you placed the following bets using your Sportsbet account 131734086 in which Mr Adam Hyeronimus had an interest in;

- d. *\$100-win R4 No1 Baby Jive Wyong 13 July 2017 (placed 6th losing bet)*
- e. *\$100-win R4 No1 Baby Jive Wyong 13 July 2017 (placed 6th losing bet)*
- f. *\$200-win R4 No1 Baby Jive Wyong 13 July 2017 (placed 6th losing bet)*

Charge 20

The details of the charge being that you licensed stablehand Mr Blake Paine did place a bet for licensed jockey Mr Adam Hyeronimus of \$100 treble win on Menari (Race 6-Rosehill-placed 1st), Selita (Race 4-Rosehill-placed 3rd) and Belflyer (Race 6-Casino-placed 2nd) on 12 August 2017 resulting in Mr Hyeronimus contravening AR115(1)(c) by reason of the following particulars.

6. On 12 August 2017 Mr Adam Hyeronimus deposited \$1100 from his bank account number 062439-10327025 into your bank account number 062439-10670798.
7. On 12 August 2017 you transferred \$1000 and \$150 from your bank account number 062439-10670798 into your bank account number 062230-11179024.
8. On 12 August 2017 you deposited \$1000 and \$150 into your Sportsbet account 131734086 from your bank account number 062230-11179024.
9. On 12 August 2017 you placed the following bet using your Sportsbet account 131734086 in which Mr Adam Hyeronimus had an interest in;
\$100-treble win Rosehill 12 August 2017 R6 No 2 Menari (placed 1st), Rosehill 12 August 2017 R4 No 9 Selita (placed 3rd), Casino 12 August 2017 R6 No12 Belflyer (placed 2nd) (losing bet)
10. Such \$100 bet being placed using \$100 of the \$1100 deposit in conjunction with charges 21 and 22.

Charge 21

The details of the charge being that you licensed stablehand Mr Blake Paine did place a bet for licensed jockey Mr Adam Hyeronimus of \$500 place on Belflyer at Casino on 12 August 2017 when that horse finished 2nd in Race 6 on that day resulting in Mr Hyeronimus contravening AR115(1)(c) by reason of the following particulars.

8. On 12 August 2017 Mr Adam Hyeronimus deposited \$1100 from his bank account number 062439-10327025 into your bank account number 062439-10670798.
9. On 12 August 2017 you transferred \$1000 and \$150 from your bank account number 062439-10670798 into your bank account number 062230-11179024.
10. On 12 August 2017 you deposited \$1000 and \$150 into your Sportsbet account 131734086 from your bank account number 062230-11179024.
11. On 12 August 2017 you placed the following bet using your Sportsbet account 131734086 in which Mr Adam Hyeronimus had an interest in;
\$500-place R6 No12 Belflyer Casino 12 August 2017 (placed 2nd winning bet \$2500)
12. Such \$500 bet being placed using \$500 of the \$1100 deposit in conjunction with charges 20 and 22.
13. On 22 August 2017 you withdrew \$1000 from your Sportsbet account 131734086 using your Sportsbet Cash Card and provided Mr Adam Hyeronimus with those funds. Such funds being part proceeds of the winning bet placed on Belflyer (less additional losing bets placed on 12, 15 and 19 August 2017) in which Mr Adam Hyeronimus had an interest in.
14. On 23 August 2017 you withdrew \$900 from your Sportsbet account 131734086 using your Sportsbet Cash Card. Such funds being part proceeds of the winning bet placed on Belflyer (less additional losing bets placed on 12, 15 and 19 August 2017) in which Mr Adam Hyeronimus had an interest in.

Charge 22

The details of the charge being that you licensed stablehand Mr Blake Paine did place a bet for licensed jockey Mr Adam Hyeronimus of \$500 win on Sovereign Nation at Flemington on 12 August 2017 when that horse finished 1st in Race 3 on that day resulting in Mr Hyeronimus contravening AR115(1)(c) by reason of the following particulars.

8. On 12 August 2017 Mr Adam Hyeronimus deposited \$1100 from his bank account number 062439-10327025 into your bank account number 062439-10670798.
9. On 12 August 2017 you transferred \$1000 and \$150 from your bank account number 062439-10670798 into your bank account number 062230-11179024.
10. On 12 August 2017 you deposited \$1000 and \$150 into your Sportsbet account 131734086 from your bank account number 062230-11179024.
11. On 12 August 2017 you placed the following bet using your Sportsbet account 131734086 in which Mr Adam Hyeronimus had an interest in;

\$500-win R3 No2 Sovereign Nation Flemington 12 August 2017 (placed 1st winning bet \$1000)

12. Such \$500 bet being placed using \$500 of the \$1100 deposit in conjunction with charges 20 and 21.
15. On 22 August 2017 you withdrew \$1000 from your Sportsbet account 131734086 using your Sportsbet Cash Card. Such funds being part proceeds of the winning bet placed on Sovereign Nation (less additional losing bets placed on 12, 15 and 19 August 2017) in which Mr Adam Hyeronimus had an interest in.
16. On 23 August 2017 you withdrew \$900 from your Sportsbet account 131734086 using your Sportsbet Cash Card. Such funds being part proceeds of the winning bet placed on Sovereign Nation (less additional losing bets placed on 12, 15 and 19 August 2017) in which Mr Adam Hyeronimus had an interest in.

Charge 23

The details of the charge being that you licensed stablehand Mr Blake Paine did place a bet for licensed jockey Mr Adam Hyeronimus of \$500 win on Prince Of The Turf at Lismore on 15 August 2017 when that horse finished 5th in Race 8 on that day resulting in Mr Hyeronimus contravening AR115(1)(c) by reason of the following particulars.

3. On 15 August 2017 you placed the following bet using your Sportsbet account 131734086 in which Mr Adam Hyeronimus had an interest in;

\$500-win R8 No3 Prince Of The Turf Lismore 15 August 2017 (placed 5th losing bet)

2. Such bet placed using winnings of bets detailed in charges 21 and 22.

Charge 24

The details of the charge being that you licensed stablehand Mr Blake Paine did place a bet for licensed jockey Mr Adam Hyeronimus of \$300 win on Ploverset at Caulfield on 19 August 2017 when that horse finished 3rd in Race 5 on that day resulting in Mr Hyeronimus contravening AR115(1)(c) by reason of the following particulars.

1. On 19 August 2017 you placed the following bet using your Sportsbet account 131734086 in which Mr Adam Hyeronimus had an interest in;

\$300-win R5 No7 Ploverset Caulfield 19 August 2017 (placed 3rd losing bet)

2. Such bet placed using winnings of bets detailed in charges 21 and 22.

Charge 25

The details of the charge being that you licensed stablehand Mr Blake Paine did place a bet for licensed jockey Mr Adam Hyeronimus of \$300 win on Boomtown Rat at Kembla Grange on 19 August 2017 when that horse finished 2nd in race 3 on that day resulting in Mr Hyeronimus contravening AR115(1)(c) by reason of the following particulars.

3. On 19 August 2017 you placed the following bet using your Sportsbet account 131734086 in which Mr Adam Hyeronimus had an interest in;

\$300-win R3 No1 Boomtown Rat Kembla Grange 19 August 2017 (placed 2nd losing bet)

4. Such bet placed using winnings of bets detailed in charges 21 and 22.

Charge 26

The details of the charge being that you licensed stablehand Mr Blake Paine did place a bet for licensed jockey Mr Adam Hyeronimus of \$500 win on The Bull at Tampa Bay (USA) 18 January 2018 when that horse finished 4th in Race 7 on that day resulting in Mr Hyeronimus contravening AR115(1)(c) by reason of the following particulars.

4. On 18 January 2018 Mr Adam Hyeronimus deposited \$1000 from his bank account number 062439-10327025 into your bank account number 062439-10670798.
5. On 18 January 2018 you deposited \$800 into your Sportsbet account 131734086 from your bank account number 062230-11179024.
6. On 18 January 2018 you placed the following bet using your Sportsbet account 131734086 in which Mr Adam Hyeronimus had an interest in;

\$500-win R7 No9 The Bull Tampa Bay (USA) 17 January 2018 (placed 4th losing bet)

Charge 27

The details of the charge being that you licensed stablehand Mr Blake Paine did place a bet for licensed jockey Mr Adam Hyeronimus of \$1000 win on Eye Guy at Singapore on 15 July 2018 when that horse finished 1st in Race 5 on that day resulting in Mr Hyeronimus contravening AR115(1)(c) by reason of the following particulars.

7. On 15 July 2018 Mr Adam Hyeronimus deposited \$1000 from his bank account number 062439-10327025 into your bank account number 062439-10670798.
8. On 15 July 2018 you transferred \$1000 from your bank account number 062439-10670798 into your bank account number 062230-11179024.
9. On 15 July 2018 you deposited \$1000 into your Sportsbet account 131734086 from your bank account number 062230-11179024.
10. On 15 July 2018 you placed the following bet using your Sportsbet account 131734086 in which Mr Adam Hyeronimus had an interest in;

\$1000-win R5 No5 Eye Guy Singapore 15 July 2018 (placed 1st Winning bet \$3100)

11. On 15 July 2018 you transferred \$4000 from your Sportsbet account 131734086 to your bank account number 062230-11179024 (deposited 17 July 2018).

12. On 18 July 2018 you withdrew \$3100 from your bank account number 062230-11179024 at the Commonwealth Bank Westfields Eastgardens branch. Such funds being of the winning bet placed (including \$1000 stake) placed on R5 No5 Eye Guy Singapore 15 July 2018 in which Mr Adam Hyeronimus had an interest in.

Charge 28

The details of the charge being that you licensed stablehand Mr Blake Paine did place a bet for licensed jockey Mr Adam Hyeronimus of \$1000 win on My Kind Of Man at Singapore on 20 July 2018 when that horse finished 4th in Race 5 on that day resulting in Mr Hyeronimus contravening AR115(1)(c) by reason of the following particulars.

5. On 20 July 2018 Mr Adam Hyeronimus deposited \$1000 from his bank account number 062439-10327025 into your bank account number 062439-10670798.
6. On 20 July 2018 you transferred \$1000 from your bank account number 062439-10670798 into your bank account number 062230-11179024.
7. On 20 July 2018 you deposited \$1000 into your Sportsbet account 131734086 from your bank account number 062230-11179024
8. On 20 July 2018 you placed the following bet using your Sportsbet account 131734086 in which Mr Adam Hyeronimus had an interest in;

\$1000-win R5 No4 My Kind Of Man Singapore 20 July 2018 (placed 4th losing bet)

Charge 29

The details of the charge being that you licensed stablehand Mr Blake Paine did place a bet for licensed jockey Mr Adam Hyeronimus of \$500 win on Sandtop at Singapore on 22 July 2018 when that horse finished 1st in Race 6 on that day resulting in Mr Hyeronimus contravening AR115(1)(c) by reason of the following particulars.

7. On 21 July 2018 Mr Adam Hyeronimus deposited \$1000 from his bank account number 062439-10327025 into your bank account number 062439-10670798.
8. On 22 July 2018 you transferred \$500 from your bank account number 062439-10670798 into your bank account number 062230-11179024.
9. On 22 July 2018 you deposited \$500 into your Sportsbet account 131734086 from your bank account number 062230-11179024.
10. On 22 July 2018 you placed the following bet using your Sportsbet account 131734086 in which Mr Adam Hyeronimus had an interest in;

\$500-win (\$500 of a \$700 bet) R6 No3 Sandtop Singapore 22 July 2018 (placed 1st winning bet \$2200)

11. On 23 July 2018 you transferred \$3100 from your Sportsbet account 131734086 to your bank account number 062230-11179024 (Deposited 24 July 2018).
12. On 26 July 2018 you withdrew \$2000 from your bank account number 062230-11179024 at the Commonwealth Bank Matraville branch. Such funds being part proceeds of the winning bet placed on R6 No3 Sandgate Singapore 20 July 2018 in which Mr Adam Hyeronimus had an interest in.

Charge 30

The details of the charge being that you licensed stablehand Mr Blake Paine did place a bet for licensed jockey Mr Adam Hyeronimus of a \$1000 double win on Golden Years (Race 2) and Attention (Race

1) at Singapore on 19 August 2018 when those horses finished 2nd and 3rd respectively on that day resulting in Mr Hyeronimus contravening AR115(1)(c) by reason of the following particulars.

5. On 19 August 2018 Mr Adam Hyeronimus deposited \$1000 from his bank account number 062439-10327025 into your bank account number 062439-10670798.
6. On 19 August 2018 you transferred \$1000 from your bank account number 062439-10670798 into your bank account number 062230-11179024.
7. On 19 August 2018 you deposited \$1000 into your Sportsbet account 131734086 from your bank account number 062230-11179024
8. On 19 August 2018 you placed the following bet using your Sportsbet account 131734086 in which Mr Adam Hyeronimus had an interest in;

\$1000-double win R2 No6 Golden Years (placed 2nd) and R1 No 4 Attention (placed 3rd) Singapore 19 August 2018 (losing bet).

Charge 31

The details of the charge being that you licensed stablehand Mr Blake Paine did place a bet for licensed jockey Mr Adam Hyeronimus of \$1000 win on Gingerella at Singapore on 13 January 2019 when that horse finished 1st in Race 3 on that day resulting in Mr Hyeronimus contravening AR115(1)(c) by reason of the following particulars.

6. On 13 January 2019 you transferred \$1000 from your bank account number 062439-10670798 into your bank account number 062230-11179024.
7. On 13 January 2019 you deposited \$1000 into your Sportsbet account 131734086 from your bank account number 062230-11179024.
8. On 13 January 2019 you placed the following bet using your Sportsbet account 131734086 in which Mr Adam Hyeronimus had an interest in;

\$1000-win (\$1000 of a \$1200 bet) R3 No7 Gingerella Singapore 13 January 2019 (placed 1st winning bet \$4200)

9. On 18 January 2019 you transferred \$4000 from your Sportsbet account 131734086 to your bank account number 062230-11179024 (Deposited 17 July 2018).
10. On 21 January 2019 you withdrew \$3500 from your bank account number 062230-11179024 at the Matraville branch. Such funds being part proceeds from the winning bet placed on R3 No7 Gingerella Singapore 18 January 2019 in which Mr Adam Hyeronimus had an interest in.

Charge 32

Licensed stablehand Mr Blake Paine you are hereby charged giving false evidence at a Stewards inquiry

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

A person must not:

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

The details of the charge being that you licensed stablehand Mr Blake Paine did give the following evidence at a Stewards Inquiry conducted at the Offices of Racing NSW on 30 May 2019 in respect to your betting activities in the knowledge that such evidence was false.

Page 6 Line 189

CHAIRMAN: *All right. In relation to wagering are you a member of a punters' club or a syndicate or something like that?*

B PAINE: *No.*

CHAIRMAN: *You are not? You don't contribute money each week for a punters' club?*

B PAINE: *No.*

CHAIRMAN: *You are not a member of a syndicate at all?*

B PAINE: *No.*

CHAIRMAN: *Are you sure about that? (No audible answer).*

All right. Have you ever requested Adam Hyeronimus to pay you money?

B PAINE: *Yeah.*

CHAIRMAN: *For a punters' club or a syndicate?*

B PAINE: *For anything.*

CHAIRMAN: *Pardon?*

B PAINE: *I could have borrowed money from him for anything.*

CHAIRMAN: *Sorry, I missed that answer?*

B PAINE: *For anything.*

CHAIRMAN: *For anything?*

B PAINE: *Yes.*

CHAIRMAN: *But specifically in respect to a punters' club, have you ever asked him to provide you with any money for a punters' club or a betting syndicate or anything like that?*

B PAINE: *No.*

CHAIRMAN: *Are you aware as to whether Adam might be a person that's in a punters' club or a syndicate?*

B PAINE: *No.*

CHAIRMAN: *No? Not that you are associated with?*

B PAINE: *No.*

Page 7 Line 232

CHAIRMAN: *The next question I am going to ask you, Blake, is an important question and there is a fair bit of evidence that the Stewards are going to take you to in a moment but the next question is an important question that the Stewards are going to ask you so I want you to think hard about the answer that you give.*

In respect to your Sportsbet account, have you ever placed a bet on that Sportsbet account on behalf of Adam Hyeronimus?

B PAINE: *For sport, yes.*

CHAIRMAN: *No.*

B PAINE: *For racing?*

CHAIRMAN: *Yes?*

B PAINE: *No.*

CHAIRMAN: *All right. You are certain about that answer? I just want you to be clear, have you ever placed a bet on a thoroughbred racing on behalf of Adam Hyeronimus using your Sportsbet account?*

B PAINE: *No.*

CHAIRMAN: *You are certain about that answer?*

B PAINE: *Yes, sir, yep.*

CHAIRMAN: *Because I don't want to try and trap you, or anything like that but there is some evidence that we are going to take you through in a moment. You may be aware that on the 25th April the Stewards downloaded Adam Hyeronimus's phone?*

B PAINE: *Mhm.*

CHAIRMAN: *And there is a significant amount of communication on that phone between yourself and Adam in relation to betting on races.*

B PAINE: *Mhm.*

CHAIRMAN: *And I'm going to suggest to you that the evidence is that you are placing bets on behalf of Adam Hyeronimus and I want to be upfront with you about that. There's 16 pages of communication that I am going to provide you with in a moment that will suggest, I put to you, that you are in fact placing bets for Adam Hyeronimus on thoroughbred racing. So, do you want to reconsider that answer?*

B PAINE: *No.*

CHAIRMAN: *Are you sure about that?*

B PAINE: *Yeah.*

CHAIRMAN: *It will impact much more adversely upon you, Blake, if we get part way through this inquiry and then you make admissions at that point. You understand?*

B PAINE: *Yep.*

CHAIRMAN: *Right, so you stick by that answer?*

B PAINE: *Yep.*

Page 11 Line 373

CHAIRMAN: *Yeah I accept that might be the case, Mr Paine, but his response is, "they gave it a little gallop this morning. I would have been filthy if it won with nothing on." Now doesn't that suggest that he has had something on that horse?*

B PAINE: *Well I've had the bets.*

CHAIRMAN: *Pardon?*

B PAINE: *I've had the bets.*

CHAIRMAN: *You've had the bets, have you?*

B PAINE: *Yep.*

CHAIRMAN: *And you say that that doesn't suggest that the bets are Adam Hyeronimus's bets?*

N PAINE: *Not at all. He's telling you that he had the bets.*

CHAIRMAN: *I beg your pardon?*

N PAINE: *He's telling you that Blake had the bets and Adam could have had the bet with someone else, probably someone else. We don't know what Adam does.*

CHAIRMAN: *"I would have been filthy if I had nothing on," and you say, "dickhead C of the day eh." You say that that bet of \$500 is yours, is it?*

B PAINE: *Yep.*

CHAIRMAN: *And why do you say you placed a bet of \$500 when you say your average bet is a hundred dollars?*

B PAINE: *Mostly. I also said I bet a thousand.*

CHAIRMAN: *You said your largest bet is a thousand, you have done that two or three times?*

B PAINE: *Yep.*

CHAIRMAN: *So you say that that bet on Lucky Fish was your bet and not Adam Hyeronimus's bet?*

B PAINE: *Yes.*

CHAIRMAN: *All right, and a person earning a thousand dollars a week has two bets on the one day, your whole wages in two bets gone like that?*

B PAINE: *Yep.*

CHAIRMAN: *No one else is involved in the betting at all?*

B PAINE: *No.*

CHAIRMAN: *No one at all. All right, there are going to be other communications which I am going to suggest to you maybe a little more – a little more incriminating but you are standing by your answer that you never placed a bet for Adam Hyeronimus?*

B PAINE: *Yeah.*

Page 14 Line 466

CHAIRMAN: *Well I am just asking the question. It seems there's \$880 withdrawn and there's \$380 he says "put in my bank please."*

Did Adam Hyeronimus have a share in that bet or did he have that bet on Thronum?

B PAINE: *No.*

CHAIRMAN: *That's your bet is it?*

B PAINE: *Yes.*

CHAIRMAN: *\$400?*

B PAINE: *Yes.*

CHAIRMAN: *And you don't have any explanation as to why he asked you to place \$380 into his bank?*

B PAINE: *As I said, we are family.*

CHAIRMAN: *You never questioned him at all, you just said "sweet give me 5 and I'll tell you". You obviously knew what it was for?*

B PAINE: *I trust him.*

CHAIRMAN: *You trust him?*

B PAINE: *Yeah.*

CHAIRMAN: *So you have got a jockey who is probably earning four times the amount you are earning?*

B PAINE: *Mhm.*

CHAIRMAN: *And he is borrowing \$380 off you?*

B PAINE: *Yep.*

CHAIRMAN: *And you say that's the truth?*

B PAINE: *Mhm.*

Page 18 Line 613

CHAIRMAN: *I mean it's a thousand dollar bet. El Divino, you know, it's a horse going into the Golden Rose. Is that your bet?*

B PAINE: *Yes.*

CHAIRMAN: *Did Adam Hyeronimus ask you to have a thousand dollars on El Divino to win the Golden Rose in the futures markets?*

B PAINE: *No.*

CHAIRMAN: *Are you certain about that?*

B PAINE: *Yes.*

CHAIRMAN: *He seemed to be tipping it pretty hot, didn't he, telling his brother, telling James Maloney should back it?*

B PAINE: *Mhm.*

CHAIRMAN: *Did he ever tell you to back it?*

B PAINE: *Oh he might have, yeah, but not for him.*

CHAIRMAN: *Not for him?*

B PAINE: *No.*

Page 21 Line 699

CHAIRMAN: *.....So just pausing there with those three bets on El Divino, are you saying that the \$2,000 you have had on that horse, a thousand for the Golden Rose and a \$1,000 for the Run to the Rose, are you saying that those bets are yours?*

B PAINE: *Yes.*

CHAIRMAN: *Adam Hyeronimus never asked you to place bets on that horse?*

B PAINE: *No.*

CHAIRMAN: *Why do you say you were placing futures bets on El Divino? Did you ride it work?*

B PAINE: *Oh, I could of, yeah. I obviously liked the horse.*

CHAIRMAN: *What?*

B PAINE: *I obviously liked the horse.*

CHAIRMAN: *Well it's about your biggest bet, isn't it, you said, a thousand dollars about as big as you go?*

N PAINE: *I did like the horse myself. I was strong on the horse.*

CHAIRMAN: *There is no doubt about that. I think everyone thought it was a talented horse.*

B PAINE: *Yes.*

CHAIRMAN: *But I mean when we look at the communication my question to you is that Adam, for want of a better word, is tipping it strong to a number of people and as he is tipping it these bets are being placed on the horse as well. You say that they are your bets not his?*

B PAINE: *Yeah, they are mine.*

CHAIRMAN: *All right, and they were funded by you?*

B PAINE: *Yeah.*

CHAIRMAN: *You never got paid by Adam Hyeronimus to place bets on thoroughbred racing? He's never paid you any money?*

B PAINE: *No.*

CHAIRMAN: *You've never had a tally with him about who owns what and how much money he owes you?*

B PAINE: *Not that I recall, no.*

Page 23 Line 765

CHAIRMAN: *I put it to you, Mr Paine, it's his bet and he is saying that the first horse got beat, Coonawarra, and he is saying, "\$21,000 fuck I've lost. I would have won \$21,000 if that horse had won"?*

N PAINE: *I'm sure they talk.*

B PAINE: *We talk all along the time. It doesn't say there at all.*

N PAINE: *I'm sure Blake tells Adam his bets.*

CHAIRMAN: *Right, you are discussing what you are betting now, are you?*

B PAINE: *We talk all the time.*

CHAIRMAN: *So you would have told him that you had a \$200 double at 10 to 1, 11 to 1, \$21,000?*

B PAINE: *Yes.*

CHAIRMAN: *And why do you think Adam Hyeronimus would be livid?*

B PAINE: *Because we're family.*

CHAIRMAN: *What, he would be livid because you have lost – because your bet wasn't successful to win \$21,000?*

B PAINE: Yes.

CHAIRMAN: Is that the truth? I am going to continue to go through these, Mr Paine, and I'm going to continue to take you through these certain aspects of betting and communication and it is going to become more and more incriminating I will put it to you.

B PAINE: Yep.

CHAIRMAN: Do you want to tell the truth?

B PAINE: I am, yes.

CHAIRMAN: You are telling the truth?

B PAINE: Yes.

Page 32 Line 1105

CHAIRMAN:Blake Paine, we were at a point where we were at the 6th September 2016 asking you in relation to a double that was placed on Coonawarra and Purrari and you said to us that you didn't have any explanation as to why Adam Hyeronimus said "I'm livid" and that "21K fuck." And he goes on to say, "business class Hong Kong thank you" and so forth. You stand by your evidence, do you, Blake, that that bet was not placed for Adam Hyeronimus but was a bet that you placed for yourself?

B PAINE: Correct.

CHAIRMAN: That's correct, is it?

B PAINE: Yep.

Page 34 Line 1172

CHAIRMAN:And then we see the following day at 8.22 in the morning a bet of \$1,000 is placed on Caped Crusader and that bet in relation to Caped Crusader, do you say, Blake, that that's your bet of a thousand dollars on Caped Crusader?

B PAINE: Yep.

Page 35 Line 1212

CHAIRMAN: All right, there are a couple of more text messages below that about Selita between Adam Hyeronimus and James Maloney and then we see then there is a bet on the 4th October 2016 of \$1,000 on Selita at Canterbury on the 5th October. You see that?

B PAINE: Yep.

CHAIRMAN: What do you say about that bet? That's your bet is it?

B PAINE: Yep.

Page 36 Line 1251

CHAIRMAN: All right, so that Selita bet, you say it's not Adam Hyeronimus's bet, it's your bet. You had a thousand dollars on a horse because you watched it, you liked it and you never placed that bet on behalf of Adam Hyeronimus?

B PAINE: That's correct.

CHAIRMAN: *Your max bet. Your next bet then is Prized Icon and you had a thousand dollars on Prized Icon on the 8th October 2016 at 6.34 in the morning?*

B PAINE: *Mhm.*

CHAIRMAN: *So Adam Hyeronimus didn't ride in that race but he had rides on that day in races 5 and 8. What do you say in relation to Prized Icon on the 8th October, do you say that – why do you say you placed your max bet or your thousand dollars bet on that horse?*

B PAINE: *Yeah, I did.*

Page 38 Line 1318

CHAIRMAN: *All right, so is that all your money that goes on that horse, \$2,000?*

B PAINE: *Yes.*

CHAIRMAN: *No one else's money?*

B PAINE: *No.*

CHAIRMAN: *All right, and that goes for the same credit card 5226?*

B PAINE: *Correct.*

CHAIRMAN: *Has Adam Hyeronimus ever paid any money off that credit card?*

B PAINE: *It's not a credit card, it's my savings account.*

CHAIRMAN: *Has Adam Hyeronimus ever put any money into that account?*

B PAINE: *I said we're a family. If I borrow money, yes.*

CHAIRMAN: *How much money do you think he has put in it over the years?*

B PAINE: *I wouldn't know. Couldn't tell you.*

CHAIRMAN: *You don't know?*

B PAINE: *If I needed money, I'd borrow money.*

CHAIRMAN: *Has he ever put any money into your bank account for the placing of bets on thoroughbred racing?*

B PAINE: *No.*

CHAIRMAN: *Never?*

B PAINE: *No.*

CHAIRMAN: *Has he put money in your account for the placing of sports bets?*

B PAINE: *Yes.*

CHAIRMAN: *So all that money is money going into that account – any money that goes into your account you are saying is for the placing of sports bets, is it?*

B PAINE: *Yes.*

CHAIRMAN: *No thoroughbred racing?*

B PAINE: *No.*

CHAIRMAN: *Okay. So below that on the same day 11.53 there is a message once again sent by Adam Hyeronimus to Beau Champion, "Sweet Redemption today tell Hass too," Hass being*

Hassan Saleem, and he responds, "okay sweet what price," Adam Hyeronimus says, "it's 3 to 1 I think." He says, "okay sweet."

He obviously liked the horse as well but you say that bet on Sweet Redemption, the biggest bet you have ever had, is all your money?

B PAINE: *Yes.*

CHAIRMAN: *It's no one else's money, a couple of weeks wages?*

B PAINE: *Mhm.*

Page 41 Line 1381

CHAIRMAN: *All right, over the page, line 142, a message sent from Adam Hyeronimus to some of his colleagues Tim Clark and Josh Parr. On the 31st October he says, "I'm riding Lucky Meteor I think it can win."*

On the 4th November, the day of the race, there is – sorry, the day before the race I should say, there's a bet on Lucky Meteor with \$500 deposit \$500 to win. Is that your bet or is that Adam Hyeronimus's bet?

B PAINE: *Mine.*

CHAIRMAN: *On what basis do you say that you backed Lucky Meteor? Do you know who trains it?*

B PAINE: *Ah, I think Gai might have trained it.*

CHAIRMAN: *Who?*

B PAINE: *Gai maybe.*

CHAIRMAN: *No.*

B PAINE: *No?*

CHAIRMAN: *Well I'm not sure. I'm just trying to recollect.*

N PAINE: *Didn't Gai train it? I think she trained it.*

CHAIRMAN: *It might be Gai. No, I don't think — No, it's trained by John Shelton.*

N PAINE: *Oh, that's the thing that — I'm thinking about the stallion.*

CHAIRMAN: *Trained by John Shelton, so why would you be backing a horse trained by John Shelton, having 500 on it at a Canterbury race meeting?*

B PAINE: *I can't recall it, sir.*

CHAIRMAN: *Was that bet for Adam Hyeronimus?*

B PAINE: *No.*

Page 42 Line 1425

CHAIRMAN: *The next one down there's a bet placed on the 20 December 2016 a \$600 bet on El Teniente at Coffs Harbour. There's a \$1200 deposit – I think that might be – there was actually two lots – two lots of 600, Mr Dalton corrects me.*

So two lots of 600, so a \$1200 bet on a horse racing at Coffs Harbour, El Teniente. What can you tell me about that bet? A pretty big bet for a Coffs Harbour race.

B PAINE: *Yeah, 2016. I cannot recall that.*

CHAIRMAN: *You must have got a tip or something for it?*

B PAINE: *Well, yeah. Is it John Shelton it's trained by?*

CHAIRMAN: *Yes. We know that Adam has got a fairly good, association with John Shelton, don't we?*

B PAINE: *Mhm.*

CHAIRMAN: *Is that Adam Hyeronimus's bet?*

B PAINE: *No.*

Page 45 Line 1535

CHAIRMAN: *...Then there is a bet placed on Zenalicious, \$200 each way after a \$400 deposit. Was that your bet on Zenalicious, \$200 each way?*

B PAINE: *Yep.*

CHAIRMAN: *No one else's bet?*

B PAINE: *No.*

CHAIRMAN: *What, Adam Hyeronimus didn't ask you to place that bet after making inquiries with Tim Clark?*

B PAINE: *No.*

Page 47 Line 1607

CHAIRMAN: *What did you withdraw the 4,000 for?*

B PAINE: *Because I won it.*

CHAIRMAN: *You won it. Who did you give it to?*

B PAINE: *Myself.*

CHAIRMAN: *You didn't give it to anyone else?*

N PAINE: *So he's not allowed to draw money out?*

CHAIRMAN: *Mr Paine, I am asking questions. I am entitled to ask questions.*

N PAINE: *Yeah but I'm entitled, you know, to back him up. He's allowed to draw money out, sir.*

CHAIRMAN: *What did you do with the 4,000? Did you give it to Adam Hyeronimus? (answer inaudible). Pardon?*

B PAINE: *No.*

CHAIRMAN: *You haven't?*

B PAINE: *No. I could have done anything with it.*

CHAIRMAN: *Did you have another bet with it?*

B PAINE: *I don't know. Probably. It's 2017, it's a while ago.*

CHAIRMAN: *Right, so you say that bet is specifically your bet?*

B PAINE: *Yes.*

CHAIRMAN: *And it's no one else's bet?*

B PAINE: *Correct.*

CHAIRMAN: Right. There is a series of communication then that occurs over the rest of that page. None of that really involves yourself other than other parties talking to Adam Hyeronimus about the horse itself.

B PAINE: Mhm.

CHAIRMAN: I take you over to page 6 then at line 222 and you say to Adam, "phew my fucking man we have a horse on our hands. That was nice. Where do I pick up" – and Adam says to Tim Martin, "Where do I pick up the brown paper bag from." He says to you – Adam says to you, "geed hey," and you say, "fucking oath."

And then you say, "I had a hundred on it swell." I put it to you that means "as well"?

B PAINE: I don't remember.

CHAIRMAN: Why are you saying to Adam Hyeronimus that you had a hundred on it as well?

B PAINE: I just had —

CHAIRMAN: I put it to you that Adam Hyeronimus asked you to have 500 on it and you have had a hundred on. That's what it means.

N PAINE: Which one? Which horse?

CHAIRMAN: And that's why you withdrew \$4,000 because you got 8 to 1. He asked you to have 500 on it. You withdraw the 4,000 and you gave 4,000 to Adam Hyeronimus.

B PAINE: No.

N PAINE: You are saying that he is?

CHAIRMAN: I am putting it to him, yes?

N PAINE: Well yes or no?

B PAINE: I said no.

CHAIRMAN: I'll put it to you that you said to him you have had a hundred on it as well, that's the 600. He's had 500, you've had a hundred. You have withdrawn the 4,000 and given it to him?

N PAINE: Yes or no.

CHAIRMAN: Yes or no?

B PAINE: No.

Page 51 Line 1722

CHAIRMAN:What do you say in relation to those bets? There were two bets of a hundred and a bet of \$200 on Baby Jive. Is that your bet or is that is Adam Hyeronimus's bet?

B PAINE: Mine.

CHAIRMAN: What can you tell us about the unusual amount of \$430 being placed on Baby Jive. It seems an unusual amount to have on a horse, \$430?

B PAINE: Mhm.

CHAIRMAN: Was 400 for Adam and 30 for you?

B PAINE: No.

Page 52 Line 1766

CHAIRMAN: All right. The 12th August 17 there's a treble, a hundred dollar treble placed on Race 6 number 2 Menari, Race 4 number 9 Selita, Race 6 number 12 Belflyer, \$150 deposit goes in and there's a hundred dollar treble placed on it. You see that bet?

B PAINE: Yep.

CHAIRMAN: I want you to think hard about this next question I'm going to ask you. Is that bet for you or for Adam Hyeronimus?

B PAINE: For me.

CHAIRMAN: It's your bet, is it? Are you certain about that? That's truthful evidence?

B PAINE: As far as I can recall, yes. It's 2017, yeah.

CHAIRMAN: You have never placed a bet for Adam Hyeronimus, have you?

B PAINE: No.

CHAIRMAN: That's your evidence?

B PAINE: Mhm.

CHAIRMAN: And you see below that there is a bet on Belflyer \$500 a place?

B PAINE: Mhm.

CHAIRMAN: All right. Adam says to you, "I got a tip at Casino." You say, "what is it." Adam says to you, "Have a 100 all up for me." You see that?

B PAINE: Mhm.

CHAIRMAN: Selita at Rosehill into Menari into Casino number 6 Belflyer?

B PAINE: Mhm.

CHAIRMAN: It just so happens to be the exact same bet you have had on your account?

B PAINE: Mhm.

CHAIRMAN: What do you say in relation to that? Is that your bet? (No audible answer).

Are you being truthful with us here, Mr Paine, because I can take up to more bets?

B PAINE: Eh?

CHAIRMAN: Are you being truthful with us here?

N PAINE: Keep going through all the bets.

CHAIRMAN: No, I'm not.

N PAINE: Why?

CHAIRMAN: I have asked this bet here, is this your bet?

N PAINE: Why don't we get a solicitor? No, why don't we hold it up and get a solicitor?

CHAIRMAN: I want him to tell the truth, that's what I want him to do?

N PAINE: No, look, he's still – what he's doing is doing his best. Why don't you let us get a solicitor in because you didn't tell us what this is all about?

CHAIRMAN: I did. I said it is in his betting activities. I want him to tell the truth.

N PAINE: You just keep going Blake.

CHAIRMAN: So you deny that's Adam Hyeronimus's bet?

B PAINE: *Mhm.*

CHAIRMAN: *Is the answer yes?*

B PAINE: *I can't recall. It's 2017.*

CHAIRMAN: *Do you place bets for Adam Hyeronimus or not? The answer to the question is very simple?*

B PAINE: *On sports yes.*

CHAIRMAN: *Yes or no, on thoroughbred racing?*

B PAINE: *No.*

CHAIRMAN: *No, that's not his bet?*

B PAINE: *No.*

CHAIRMAN: *I put it to you, Mr Paine, you are not telling the truth to us. That is highly incriminating against you and it doesn't coincide with the evidence you are giving to the Stewards?*

B PAINE: *Mhm.*

CHAIRMAN: *He has asked you to have a hundred dollars all up for him. Selita into Menari into Belflyer. The bet is placed on your TAB account and I put it to you that bet is for Adam Hyeronimus.*

And I put it to you that the bet below for Belflyer, \$500 a place, is also for Adam Hyeronimus. What do you say in relation to that?

B PAINE: *I can't recall.*

CHAIRMAN: *You can't recall? Are you still sticking by your evidence that you never placed a bet for him?*

B PAINE: *Yeah.*

Page 60 Line 2058

CHAIRMAN: *Sure.*

In relation to Sovereign Nation then, Mr Paine, you have no — do you have any recollection whether that bet is yours or whether that was a bet that Adam Hyeronimus asked you to put on?

B PAINE: *No, it's mine.*

Page 61 Line 2089

CHAIRMAN: *All right. And then further down the page there's another multi sent to him and then Adam Hyeronimus says to you, "no the one of Casino," and then we see that bet Selita, in that photograph there, that picture Selita into Menari into Belflyer. That's the picture of the multi that Adam Hyeronimus asked you to place on that horse.*

Did you place that for Adam Hyeronimus, that multi?

B PAINE: *No.*

CHAIRMAN: *You didn't? You placed that for yourself, did you?*

B PAINE: *Yeah.*

CHAIRMAN: *Good, thank you. We then move on down over the page and go to*

page 11 and there is a message from yourself and Adam – between yourself and Adam. You say at line 442, "last night you were saying," and Adam responds, "last race John's horse. Other John oops, lol, Prince of the Turf," you say. He says "yeah." You go "Yew," and further down there's an issue in relation to some football jerseys that you discuss.

B PAINE: *Mhm.*

CHAIRMAN: *And then we take you down over the page there's a bet placed on — of \$500 on Prince of the Turf at Lismore.*

B PAINE: *Mhm.*

CHAIRMAN: *Is that your bet or is that Adam Hyeronimus's bet?*

B PAINE: *Mine.*

CHAIRMAN: *That's yours, is it? You never placed a bet on that horse for him?*

B PAINE: *No.*

Page 64 Line 2185

CHAIRMAN: *Not sure. And then on the 7th November, the same day, we see a bet placed on Kara's Hope which Adam Hyeronimus rode at Flemington. There was a \$300 bet placed on the horse. Was that your bet or Adam Hyeronimus's bet?*

B PAINE: *My bet.*

CHAIRMAN: *Your bet?*

B PAINE: *Mhm.*

Page 65 Line 2205

CHAIRMAN: *Lines 556, 557, 558, \$300 a win, a thousand to win, Singapore, a thousand to win, \$700 to win?*

B PAINE: *Yep.*

CHAIRMAN: *And then we've got a double – a thousand dollars double?*

B PAINE: *Mhm.*

CHAIRMAN: *What do you say in respect to that? Are they your bets?*

B PAINE: *Yep.*

CHAIRMAN: *So you have a thousand dollars on something in Singapore?*

B PAINE: *Yep.*

Page 67 Line 2282

CHAIRMAN: *Right. All right. And we see then a bet at Singapore again for twelve hundred dollars on a horse called Gingerella?*

B PAINE: *Mhm.*

CHAIRMAN: *Twelve hundred dollars a win. Once again, that's your bet is it?*

B PAINE: *Yes.*

Page 71 Line 2413

CHAIRMAN: *That the accounts ending in 5226, the account ending in 0148 and the account I just identified that ends in 6354, to provide us with the records of those accounts during those relevant periods which I will identify to you in writing to ascertain the funding of those bets.*

You say that all those bets are being funded by yourself?

B PAINE: *Yes.*

CHAIRMAN: *No one else has funded that account?*

B PAINE: *Mhm.*

CHAIRMAN: *And any bet placed has got nothing to do with jockey Adam Hyeronimus?*

B PAINE: *Correct.*

Page 72 Line 2425

P DINGWALL: *Well the deposits on the credit cards, there's 500, there's thousands, those deposits, where do they emanate from?*

B PAINE: *What —?*

CHAIRMAN: *Where do you source the money from?*

B PAINE: *Work.*

CHAIRMAN: *From work?*

B PAINE: *Yes.*

CHAIRMAN: *Sorry?*

B PAINE: *Work.*