



INQUIRY INTO AN ALLEGATION OF AN ASSAULT COMMITTED BY LICENSED TRAINER MARK SCHMETZER ON TRAINER TAMMY BOYD AT THE LICENSED STABLE PREMISES OF MR SCHMETZER AT SCONE RACECOURSE ON THE AFTERNOON OF 10 MAY 2021.

Racing NSW Offices

7 June 2021

**Stewards: S G Railton
T J Vassallo**

Racing NSW Stewards today conducted an inquiry into an allegation of assault committed by licensed trainer Mr Mark Schmetzer on fellow licensed trainer Mrs Tammy Boyd at the licensed stable premises of Mr Schmetzer on the afternoon of 10 May 2021. Evidence was today taken by way of video conference from Mr Schmetzer and Mrs Boyd as well as from licensed stable hand Mr C Boyd and Ms K Janson.

The following charges and penalties were issued.

Charges

1. Mr Mark Schmetzer – AR228(b) – Improper Conduct

Was found guilty of improper conduct in that whilst involved in a heated argument with his sister, Mrs Tammy Boyd he did;

- a. forcibly grab her by the right arm which caused an injury in the form of bruising to that area of her arm, and
- b. on at least one occasion, forcibly grab and pull at her clothing in the upper chest area.

Penalty: 3 months suspension of his trainers licence and a fine of \$4000. Under the provisions of AR283(5) the 3 months period of suspension of his trainers licence was fully suspended on the basis Mr Schmetzer does not offend the conduct rules for a period of 2 years.

Stewards considered the following matters when assessing penalty.

- a. First offence under the conduct related rules and his 25 years in the industry.
- b. Personal and professional circumstances.
- c. The matter at hand did not relate directly to the thoroughbred racing industry although the incident occurred at a licensed stable premises.
- d. Principle of specific and general deterrence and what message is to be sent to the industry in respect of such conduct.

- e. Purpose of issuing penalties as a protective measure for the integrity of the thoroughbred industry.

2. Mrs Tammy Boyd – LR16

Pleaded guilty for having entered upon the stable premises at Scone Racecourse under the control of her brother, licensed trainer Mark Schmetzer, without his permission.

Penalty: Fine of \$1000. Under the provisions of AR283(5), \$500 of the fine was suspended on the basis Mrs Boyd does not offend the conduct rules for a period of 2 years.

Stewards considered the following matters when assessing penalty.

- a. Early guilty plea at the first available opportunity.
- b. Disciplinary history during her 18 years of participation in the industry.
- c. Personal and professional circumstances.
- f. Principle of specific and general deterrence and what message is to be sent to the industry in respect of such conduct.
- g. Purpose of issuing penalties as a protective measure for the integrity of the thoroughbred industry.

Relevant Rules

AR 228 - Conduct detrimental to the interests of racing

A person must not engage in:

- b. Misconduct, improper conduct or unseemly behaviour.*

LR 16

The Stewards may punish any person who enters upon the stable premises under the control of a trainer without the permission of that trainer.

AR 283 – Penalties

AR 283(5) – *Any person or body authorized by the Rules to penalize a person may in respect of any penalty imposed in relation to the conduct of a person and other than in relation to a period of disqualification or a warning off, suspend the operation of that penalty either wholly or in part for a period not exceeding 2 years, on terms they think fit.*

S G Railton
Deputy Chairman of Stewards