



9 May 2022

STEWARDS REPORT

Inquiry into analyst's findings relative to a blood sample obtained from Striking One prior to it competing at Queanbeyan on 20 February 2022.

Inquiry conducted SERA/CRC Offices

Stewards Panel: J D Walshe (Chairman), K E Blanch & G E V Hargraves

Stewards today inquired into analyst's findings relative to a blood sample obtained from Striking One prior to that gelding's sixth placing in the Toppo Trot Maiden Handicap at Queanbeyan on 20 February 2022.

Evidence was taken from licenced trainer Mr N Gardner and evidence was obtained via teleconference from both, Dr A Cawley - Science Manager of the Australian Racing Forensic Laboratory, and Dr P Curl – Chief Veterinary Officer Racing NSW.

Mr N Gardner pleaded guilty to a breach of AR240(2) of presenting Striking One for the purpose of engaging in the Toppo Trot Maiden Handicap at Queanbeyan on 20 February 2022 when a prohibited substance, namely flunixin, was detected in the blood sample taken from the gelding prior to the event.

Penalty

Stewards gave consideration to the following matters when determining penalty:

- 1) Guilty plea
- 2) Mr Gardner having held a trainer's licence for 30 years.
- 3) Mr Gardner's disciplinary record.
- 4) The principles of individual and general deterrence.
- 5) That Striking One had been administered flunixin nearly nine days prior to racing on 20 February 2022.
- 6) That contamination could not be ruled out as a possible explanation for the analyst's findings.

Stewards determined that the appropriate base penalty was a fine in the sum of \$5000. However, having given consideration to the circumstances and matters referred to above, Stewards determined that that the appropriate penalty be that Mr Gardner be fined the sum of \$3,500.

Stewards acting under the powers of AR240(1), disqualified Striking One from its sixth placing and amended the placings to:

- 1st Fighting Pleasure
- 2nd Media Chick
- 3rd Need For Greed
- 4th Ready For a Moet
- 5th Smart Lass
- 6th Epaullo Creed
- 7th Star Writer

Mr Gardner was also fined the sum of \$500 under AR104(1) for failing to record in his stable treatment records, treatments administered to Striking One during the months of January 2022 and February 2022.

Mr Gardner was advised of his rights of appeal against the penalties imposed under AR240(2) and AR104(1) and, being the managing part owner of Striking One, also in respect to the Stewards ruling to disqualify Striking One from its sixth placing under the provisions of AR240(1).

JD Walshe
Chief Steward
South East Region – Racing NSW

Relevant Rules

AR 240(1) *Subject to subrule (3), if a horse is brought to a racecourse and a prohibited substance on Prohibited List A and/or Prohibited List B is detected in a sample taken from the horse prior to or following its running in any race, the horse must be disqualified from any race in which it started on that day.*

AR 240(2) *Subject to subrule (3), if a horse is brought to a racecourse for the purpose of participating in a race and a prohibited substance on Prohibited List A and/or Prohibited List B is detected in a sample taken from the horse prior to or following its running in any race, the trainer and any other person who was in charge of the horse at any relevant time breaches these Australian Rules.*

AR 104(1) *A trainer must record any medication or treatment administered to any horse in the trainer's care by midnight on the day on which the administration was given.*