

## GREYHOUND WELFARE & INTEGRITY COMMISSION

### DISCIPLINARY ACTION DECISION

- Date of decision:** 2 February 2021
- Decision-maker:** Director Integrity & Legal, Matthew Tutt, Senior Legal Officer, Sarah McClure & Senior Steward, Dean Degan
- Name of relevant person:** Mr Joe Comito
- Track:** Richmond
- Date:** 27 November 2019; 31 January 2020
- Rule no.:** Rule 83(2)(a); Rule 79A(7)
- Charge(s):** (1) Mr Comito presented the greyhound 'Classic Punk' ("**Greyhound**") for the purposes of competing in race 7 at the Richmond meeting on 27 November 2019 in circumstances where the Greyhound was not free of any prohibited substance.
- (2) Mr Comito had in his possession at his registered kennels on 31 January 2020 a permanently banned prohibited substance, "Fertagyl".
- Permanently banned prohibited substances:** 5 $\beta$ -androstane-3 $\alpha$ , 17 $\beta$ -diol; fertagyl
- Disciplinary action taken:** Charge 1 (27 November 2019): 9 months disqualification  
Charge 2 (31 January 2020): 4 months disqualification  
[with interim suspension taken into account as time served]

#### REPORT:

##### First Charge

Following receipt of a certificate of analysis from Racing Analytical Services Ltd, the Commission conducted an investigation into the results of a post-race urine sample taken from the greyhound, 'Classic Punk' ("**Greyhound**") at the Richmond meeting on 27 November 2019.

Further analysis of the sample was conducted by the Queensland Racing Integrity Commission Racing Science Centre confirming the presence of 5 $\beta$ -androstane-3 $\alpha$ , 17 $\beta$ -diol at a mass concentration above 10 nanograms per millilitre ("**ng/mL**").

After considering the evidence, the Commission charged Mr Comito with a breach of Rule 83(2)(a) of the Commission's Greyhound Racing Rules ("**Rules**") given that the post-race urine sample taken from the Greyhound confirmed the presence of the permanently banned

prohibited substance, 5 $\beta$ -androstane-3 $\alpha$ , 17 $\beta$ -diol above the threshold imposed by Rule 83(6) of 10ng/mL.

### **Second Charge**

On 31 January 2020, during an inspection of the kennels registered to Mr Comito, Commission Inspectors located a permanently banned prohibited substance, fertagyl. The item was surrendered to the Inspectors.

After considering the evidence, the Commission charged Mr Comito with a breach of Rule 79A(7) of the Rules in relation to the item found.

Mr Comito admitted the charges at the earliest opportunity.

The disciplinary proceeding was conducted in writing in accordance with the participant's election.

### **DECISION:**

1. Mr Comito is a registered greyhound trainer and the trainer of the female Greyhound. The Greyhound competed in race 7 at the Richmond meeting on 27 November 2019 ("**Event**"). Following the Event, a urine sample was taken from the Greyhound.
2. The pre-Event swab revealed the presence of 5 $\beta$ -androstane-3 $\alpha$ , 17 $\beta$ -diol at a mass concentration of greater than 10ng/mL. 5 $\beta$ -androstane-3 $\alpha$ , 17 $\beta$ -diol at a mass concentration greater than 10ng/mL in a sample of urine taken from a bitch exceeds the threshold set by Rule 83(6) of the Rules. 5 $\beta$ -androstane-3 $\alpha$ , 17 $\beta$ -diol is a known metabolite of testosterone and testosterone is an anabolic androgenic steroid; a permanently banned prohibited substance under Rule 79A(2)(xx).
3. On 31 January 2020, during an inspection of Mr Comito's registered kennels, a glass vial of fertagyl was discovered and surrendered to Inspectors. Fertagyl contains a gonadotropin releasing hormone and is a permanently banned substance under Rule 79A(2)(iii) of the Rules.
4. The Commission charged Mr Comito with an offence under Rule 83(2)(a) and Rule 79A, which read:

#### **Rule 83**

...

(2) The owner, trainer or person in charge of a greyhound-

(a) nominated to compete in an Event;

(b) presented for a satisfactory, weight or whelping trial or such other trial as provided for pursuant to these Rules; or

(c) presented for any test or examination for the purpose of a period of incapacitation or prohibition being varied or revoked

shall present the greyhound free of any prohibited substance.

**Rule 79A(7)**

...

(7) If any substance or preparation that could give rise to an offence under this rule if administered to a greyhound at any time is found at any time at any premises used in relation to the training or racing of greyhounds then any registered person who owns, trains or races or is in charge of greyhounds at those premises is deemed to have the substance or preparation in their possession and such person shall be guilty of an offence and liable to penalty.

5. Mr Comito admitted the charges, provided written submissions and elected to have the disciplinary proceeding conducted in writing.

6. The Commission found the charges proven and took the following disciplinary action against Mr Comito:

Charge 1 (Rule 83(2)(a)): To disqualify Mr Comito for a period of 9 months;

Charge 2 (Rule 79A(7)): To disqualify Mr Comito for a period of 4 months;

with:

- the periods of disqualification to be served consecutively, except for 1 month disqualification of charge 2;
- 8 months and 29 days served under an interim suspension taken into account as time served, causing the periods of disqualification to expire on 3 May 2021.

7. In taking this disciplinary action, the Commission considered all evidence, including:

- Mr Comito has held a greyhound trainer licence for at least 11 years;
- Mr Comito has no like matters in his disciplinary history;
- Mr Comito's admission of the charges at the earliest opportunity;
- NSW greyhound racing penalty precedents;
- The level of the permanently banned prohibited substance detected in the urine sample, being at least double the permissible threshold;
- The prizemoney which will be affected by the taking of this disciplinary action;
- The period served under an interim suspension;
- Mr Comito's submissions in mitigation of penalty, including in relation to his personal and financial circumstances, good character, record and apology.

8. In addition, the Greyhound was disqualified from race 7 at the Richmond meeting on 27 November 2019 pursuant to Rule 83(4) of the Rules and any associated series under Rule 83(5).

.....End.....