GREYHOUND WELFARE & INTEGRITY COMMISSION
DISCIPLINARY ACTION DECISION

Date of decision:	16 December 2020
Decision-maker:	Interim Chief Executive Officer, Steven Griffin
Name of relevant person:	Ms Jessie Fothergill
Track:	N/A – non meeting
Date:	2 January 2020
Rule no.:	Rule 86(d)
Charge(s):	(1) On 2 January 2020, Ms Fothergill made a falsification in a document in connection with greyhound racing.
Disciplinary action taken:	5-months disqualification – deferred commencement to 18 December 2020 under Rule 95(5)

DECISION:

1. Ms Fothergill was at all material times a registered greyhound racing industry participant with either Greyhound Racing Victoria ("**GRV**") or the Commission.

2. On 2 January 2020, Greyhound Racing NSW ("**GRNSW**") received from Ms Fothergill by email a *Change of Greyhound Prizemoney Split* form dated 2 January 2020 relating to the prizemoney associated with the greyhound, 'Carson County'.

3. Inquiries made with GRV by GRNSW revealed the signature listed on the Form for the registered owner of the Greyhound, Mr Jason Formosa did not match with the signature held by GRV on file.

4. During the Commission's investigation into the matter, Mr Formosa denied signing the form, consenting to the change in prizemoney or consenting to Ms Fothergill signing the form on his behalf. Inquiries made with Ms Fothergill revealed that she had signed the form but did so with Mr Formosa's consent.

5. After considering the evidence following the completion of the Commission's investigation, the Commission charged Ms Fothergill with a breach of Rule 86(d) of the Commission's Greyhound Racing Rules, which reads:

Rule 86(d)

A person (including an official) shall be guilty of an offence if the person-

…

(d) being an owner, trainer, attendant or person having official duties in relation to greyhound racing, makes a false or misleading statement in relation to an investigation, examination, test or inquiry, or makes or causes to be made a falsification in a document in connection with greyhound racing or the registration of a greyhound;

6. Ms Fothergill admitted the charge, provided submissions and elected to have the disciplinary proceeding conducted in writing.

7. It was also alleged that Ms Fothergill made false statements in an interview with a Commission investigator on 6 May 2020, however after considering the evidence this charge under Rule 86(x) was found not proven.

8. Mr Griffin, Interim CEO, took over as decision-maker of the matter in November 2020, partway through the proceedings, with Ms Fothergill's consent.

9. The Commission found the charge proven and took the following disciplinary action against Ms Fothergill:

   To disqualify her for a period of 5 months.

10. In taking this disciplinary action, the Commission considered all evidence, including:
    - Greyhound racing penalty precedents – in NSW and other racing jurisdictions;
    - Ms Fothergill has held a registration in the Victorian and NSW greyhound racing industries for approximately 10 years;
    - Ms Fothergill's disciplinary history includes a similar matter in June 2014 in which she made a false or misleading statement a GRV stewards inquiry and cause the registration of another person by way of a false or fraudulent document (attempting to register her greyhound as a trainer), for which she received a $350 fine and 3-month suspension that was wholly and conditionally suspended; and a further matter in June 2014 relating to her making a false or misleading statement to a stewards administrator at GRV for which she was fined $200;
    - Ms Fothergill's admission of the charge at the earliest opportunity;
    - The objective seriousness of the offence, relating to Ms Fothergill signing a form relating to a change in prizemoney split purporting to be another participant;
    - The need for general and specific deterrence;
    - The submissions and supporting documents lodged on Ms Fothergill's behalf in mitigation of penalty, including in relation to her personal and financial circumstances, version of events, prior conduct and remorse.

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