



GREYHOUND WELFARE & INTEGRITY COMMISSION
DISCIPLINARY ACTION DECISION

Warning: This report contains language which some readers may find offensive.

Date of decision:	29 April 2021
Decision-makers:	Director Compliance & Legal Services, Matthew Tutt, Chief Inspector, David OShannessy and Senior Steward, Dean Degan
Name of relevant person:	Mr Pompeo Vallario
Track:	Bulli
Date:	29 September 2020; 11 December 2020 and 19 January 2021
Rule no.:	Rule 83(2)(a); Rule 86(o) (x4)
Charge(s):	(1) Mr Vallario presented the greyhound 'Boston Code' (" Greyhound ") for the purposes of competing in race 1 at the Bulli meeting on 29 September 2020 in circumstances where the Greyhound was not free of any prohibited substance; (2)-(3) On 11 December 2020, Mr Vallario used improper language in relation to an Inspector; (4) On 19 January 2021, Mr Vallario used improper language in relation to a Steward; (5) On 19 January 2021, Mr Vallario lunged towards a Steward making a gesturing motion as if to punch that Steward, which in the opinion of the Commission constitutes improper conduct.
Prohibited Substances:	Ephedrine, phenylpropanolamine, pseudoephedrine and norpseudoephedrine.
Disciplinary action taken:	Charge 1: 3-month suspension; Charge 2: 3-month suspension; Charge 3: 3-month suspension; Charge 4: 6-month disqualification; Charge 5: 9-month disqualification.

DECISION:

1. At all relevant times, Mr Vallario was a registered greyhound Owner Trainer and the trainer of the greyhound 'Boston Code' ("**Greyhound**").

Charge 1 – Rule 83(2)(a)

2. The Greyhound competed in race 1 of the Bulli meeting on 29 September 2020 ("**Event**"). Before the Event, a urine sample was taken from the Greyhound.
3. Analysis of the sample was conducted by Racing Analytical Services and the Australian Forensic Racing Laboratory, confirming the presence of ephedrine, phenylpropanolamine, pseudoephedrine and norpseudoephedrine.
4. Ephedrine, phenylpropanolamine, pseudoephedrine and norpseudoephedrine are prohibited substances under Rule 1 of the Rules.

Charges 2 and 3 – Rule 86(o)

5. On 10 December 2020, Commission Inspectors attended the kennel address registered to Mr Vallario for the purpose of conducting a kennel inspection. As Mr Vallario was not present at the kennel address when they attended, a Commission Inspector made a telephone call to Mr Vallario. Mr Vallario had a telephone discussion with the Inspector, where he used words to the effect of: *"I work for a living, you have to give me two days notice, it's all fucking bullshit anyway. You think you can just fucking turn up here"*; and *"You fuckwits have no idea."* The Inspector then terminated the call.
6. Mr Vallario then called the Inspector back approximately two minutes later and during that telephone discussion, he used words to the effect of: *"You people need to fucking listen"*. The Inspector terminated this call as well.
7. A short time later, Mr Vallario left a voicemail on the Inspector's mobile phone where he made comments including:
"You know who it is. Fucking ring me, you cunt. You've been on my back for the last six months.
I've got fucking five-year-old dogs. Why would I gear them? You fucking cunts have put something in my fucking, um, urine sample. You dogs.
Go and get [names redacted] and all those cunts and that, [names redacted]. They're the one gearing the fucking dogs, you fucking dog. Ring me."

Charges 4 and 5 – Rule 86(o)

8. On 19 January 2021, a race meeting was held at the Bulli Greyhound Racing Club ("**Bulli Club**"). Two greyhounds trained by Mr Vallario were nominated to compete in events at that meeting, 'Boston Code' in race 1 and 'No Tell Code' in race 3.
9. During kennelling, Mr Vallario was informed by a Commission Steward that his greyhound was the subject of a pre-race swab. Mr Vallario used offensive language towards the Steward.
10. Mr Vallario entered the identification area and forcefully handed his race papers to the Steward. When the Steward asked Mr Vallario about the pre-race swab, Mr Vallario

swore at the Steward, including with words to the effect of: “*you’re fucking targeting me, you do it all the time*” and “*fuck you*”.

11. The Steward offered to show Mr Vallario the pre-race selection process that is randomly generated by a computer. Mr Vallario continued to swear at the Steward including with words to the effect of: “*fuck off, you’re after me*”.
12. The Steward made the decision and advised Mr Vallario that due to his conduct his greyhounds would be scratched from their races. Mr Vallario continued to swear at the Steward including with words to the effect of “*fuck you, you cunt.*”
13. Mr Vallario walked through the kennelling area yelling and swearing.
14. After the conclusion of kennelling, Mr Vallario was waiting for the Steward inside the clubhouse, at the bottom of the stairs. Mr Vallario began shouting at the Steward and using offensive language. The Steward again offered to show Mr Vallario the swab selection process. The Steward walked up the stairs on his way to the stewards’ room and Mr Vallario followed, swearing and yelling at him. At the top of the stairs, Mr Vallario lunged towards the Steward with a gesturing motion, as if to punch him.
15. The Steward directed Mr Vallario to leave the Bulli Club and to not return. The Steward also advised Mr Vallario that if he returned to the Bulli Club during the race meeting that night he would be removed from the premises. Mr Vallario then left the racecourse.

CHARGES:

16. The Commission charged Mr Vallario under Rule 83(2)(a) for the presence of prohibited substances in the pre-Event swab taken on 29 September 2020 and under Rule 86(o) for his conduct towards the Commission Inspectors on 11 December 2020 and Stewards on 19 January 2021. These rules respectively read:

Rule 83(2)(a)

- (2) The owner, trainer or person in charge of a greyhound-
 - (a) nominated to compete in an Event;

...

shall present the greyhound free of any prohibited substance.

- (3) The owner, trainer or person in charge of a greyhound presented contrary to sub-rule (2) shall be guilty of an offence.

Rule 86(o)

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

- (o) has, in relation to a greyhound or greyhound racing, done a thing, or omitted to do a thing, which, in the opinion of the Stewards or the Controlling Body, as the case may be, is negligent, dishonest, corrupt, fraudulent or improper, or constitutes misconduct;

17. Mr Vallario requested a hearing on the above charges and admitted all of the charges during the hearing.

PENALTIES:

18. The Commission found the charges proven and took the following disciplinary action against Mr Vallario:

Charge 1 (Rule 83(2)(a), 29/09/2020):	To suspend Mr Vallario's registration for a period of 3 months;
Charge 2 (Rule 86(o), 11/12/2020):	To suspend Mr Vallario's registration for a period of 3 months;
Charge 3 (Rule 86(o), 11/12/2020):	To suspend Mr Vallario's registration for a period of 3 months;
Charge 4 (Rule 86(o), 19/01/2021):	To disqualify Mr Vallario for a period of 6 months;
Charge 5 (Rule 86(o), 19/01/2021):	To disqualify Mr Vallario for a period of 9 months,

with:

- 3 months served under an interim suspension (since 29 January 2021) taken into account as time served for charge 5, with the remaining period of disqualification to expire at 12:00am on 29 October 2021;
- The periods of suspension and disqualification for Charges 2 to 5 to be served concurrently; and
- The period of suspension for Charge 1 to be served cumulatively with the periods of suspension and disqualification for Charges 2 to 5, with the period of suspension beginning at 12:00am on 29 October 2021 and ending at 12:00am on 29 January 2022.

19. In taking this disciplinary action, the Commission considered all evidence and submissions, including:

- Mr Vallario has been a registered trainer in the greyhound racing industry since 2010, approximately 11 years;
- Mr Vallario's disciplinary history, having no prior like matters on his record for the prohibited swab and conduct matters;
- Mr Vallario's admission of the charges;
- NSW greyhound racing precedents;

- The submissions made in mitigation of penalty, including Mr Vallario's remorse and good character; and
- The Commission considered that had there being any physical contact against a Commission Steward then the penalty would have been significantly higher.

20. In addition, the Greyhound for the prohibited substance matter was disqualified from race 1 at Bulli on 29 September 2020 pursuant to Rule 83(4) of the Rules.

.....End.....