

# MEDIA RELEASE

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## **For immediate release**

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## **Office of Racing Integrity, Launceston, Tasmania**

### **Stewards: Ray Murrhly (Chairman), John Zucal, Adrian Crowther**

Office of Racing Integrity Stewards today concluded an inquiry opened on 22 January 2018 and continued on 20 March 2018 into:

- the running of the Sea FM Mobile at Devonport on 14 July 2017
- the betting activities of owner and licenced bookmaker Mr Stephen Walters and licenced trainer Mr Ben Yole between 1 January 2017 and 24 November 2017
- the alleged procurement of unregistered products for the Ben Yole stables.

During the course of the inquiry verbal evidence was taken from the following persons:

Mr Ben Yole – licenced trainer

Mr Stephen Walters – owner and licenced bookmaker

Mr Robert Walters – licenced trainer/driver

Mr Michael Andreadis (by telephone) – part-owner of *Making My Mark*

Mr Tony Yuwakim (by telephone) – part owner of *Making My Mark*

In addition, Stewards studied all available relevant telecommunications, computer, banking and betting records.

At today's hearing, Mr Stephen Walters reserved his plea to a charge under Australian Harness Racing Rule 235A(4) of having, between 8 January 2017 and 24 September 2017, on seven occasions, placed lay bets to lose or alternatively lay bets not to be placed on horses in which he held an owning interest, which competed at Tasmanian Harness race meetings during that period, such lay bets resulting in a profit to Mr Walters of \$3,600.00.

Mr Stephen Walters was found guilty of the charge and was disqualified for a period of 12 months commencing 20 April 2018 and expiring at midnight on 19 April 2019. In addition, Mr Walters was fined the sum of \$4,000.00

In assessing penalty, Stewards took into account the following mitigating factors:

- his prior good record over a period of fifteen years as a bookmaker in the harness racing industry
- his cooperation with the inquiry
- his contribution over thirty years and investment as an owner in the harness racing industry
- his lay investments in five of the six designated races being modest, all being outlays of less than \$100
- his personal circumstances during the relative period (not disclosed)
- the effects of penalty on his livelihood.

The Stewards, however, advised Mr Stephen Walters that the penalty reflected the objective seriousness of the offence which, in this case, involved an experienced bettor and licenced bookmaker and, particularly in the instance of the Devonport race of 14 July 2017, involved lay bets of a significant nature. In addition, he was advised that the penalty purports to send the appropriate message to Mr Walters personally and to other harness racing participants as to the importance of strict adherence to the rule preventing the laying of horses by connections.

Mr Ben Yole was found guilty of a charge under Australian Harness Racing Rule 194 of having procured an anti-bleeding preparation that was not registered or labelled in accordance with either State or Commonwealth legislation.

Mr Yole was fined the sum of \$500.00. In assessing penalty, Stewards took into account the following mitigating factors:

- his prior good record
- his cooperation with the inquiry
- his undertaking to review husbandry practices.

Office of Racing Integrity Stewards will give consideration to the supplier of the product who failed to answer a notice to appear before the Stewards Inquiry of 22 March 2018.

In respect of their inquiries into the running of the Sea FM Mobile at Devonport on 14 July 2017, the Stewards established the following in respect to betting on the race across all betting entities, and also in particular to the tactics adopted by driver Mr Robert Walters on third placegetter *Ebonyallstarzz*, a stablemate of the winner *Making My Mark*:

- (a) Mr Stephen Walters, a part owner of *Ebonyallstarzz*, placed:
  - (i) substantial lay bets on his pacer not to win at odds between 2.96 and 3.5 (starting price was \$3.60)
  - (ii) significant lay bets on his pacer not to be placed first or second at odds between 1.93 and 2.02 (only six runners competed in the race).
- (b) In respect to Mr Walters' level of betting and Mr Walters' assessment of the chances of *Ebonyallstarzz* in the Devonport race, the Stewards accepted the following:
  - (i) the sum placed in the lay bets on *Ebonyallstarzz* totalled 15% of funds available at the time in Mr Walters' betting account
  - (ii) the total sum placed in lay bets on *Ebonyallstarzz* was a figure demonstrated not to be inconsistent with amounts laid by Mr Walters on multiple occasions during 2017 involving races both in harness and other racing codes across all states of Australia, including Tasmania
  - (iii) *Ebonyallstarzz* had failed to win on the thirteen occasions it has contested races over a distance beyond a sprint journey on Tasmanian tracks, the Devonport race being over a journey of 2297 metres
  - (iv) at its most recent start over 2200 metres at Launceston on 9 July 2017, *Ebonyallstarzz* finished in 9th place (beaten 36.6 metres) after racing outside the leader
  - (v) on established form, it appeared unlikely *Ebonyallstarzz* would lead the favourite *Making My Mark* which drew the pole position.
- (c)
  - (i) Mr Ben Yole, trainer of *Making My Mark* and *Ebonyallstarzz*, provided Stewards officiating at the Devonport Harness meeting on 14 July 2017 instructions to be given to the drivers of his four stable runners in the Sea FM Mobile, a copy of the transcript of that advice being available to the Inquiry
  - (ii) the manner in which Mr Yole's stable runners were driven in the Devonport event was not inconsistent with his instructions as relayed to Stewards
  - (iii) no betting transactions on the Sea FM Mobile were present in Mr Yole's betting accounts.

- (d)(i) Mr Robert Walters substantially drove *Ebonyallstarzz* in accordance with the instructions of trainer Mr Ben Yole and *Ebonyallstarzz* took up a position behind the leader that, in the opinion of Stewards, was unsurprising given the form and barrier draw of the respective runners.
  - (ii) *Ebonyallstarzz* was then held up for a run between the 400 and late in the home straight
  - (iii) Mr Robert Walters erred, in the opinion of Stewards, in not maintaining a position directly on the back of *Making My Mark* leaving the 400 metres. His decision to ease back and attempt to come across the back of *Significance* by pushing out *Holme On The Bayou* after the 200 metres was not, however, deemed by the Stewards to be a driving manoeuvre that, in the circumstances of no other run being available at the time that could be categorised as being culpable under the rules of Harness racing. The Stewards were of the opinion had *Ebonyallstarzz* maintained its position it may have finished in second placing.
- (e) The evidence of Mr Michael Andreadis and Mr Tony Yuwakim, part owners of *Making My Mark*, was accepted as to their level of betting on their pacer in the Devonport event.

## Conclusion

The Stewards notified Mr Stephen Walters, Mr Robert Walters, and Mr Ben Yole that the breach of a very important Harness Racing Rule by owner Mr Stephen Walters had brought into sharp focus the propriety of the running of the Sea FM Mobile and, in particular, the tactics adopted on third placegetter *Ebonyallstarzz*, driven by Mr Robert Walters, brother of the part owner, Mr Stephen Walters.

However, after an extensive investigation involving three inquiry sittings and the consideration of sixty-seven exhibits, the Stewards found that there was not evidence which would enable them to make an adverse finding in regards to the running of the Sea FM Mobile, run at Devonport on 14 July 2017.

Mr Ben Yole and Mr Stephen Walters were notified of their rights of appeal and Mr Yole was notified he must immediately enact his undertaking to conduct a review of his stable husbandry to ensure that he complies with the requirement to use only registered and labelled products.

Ray Murrhly, Chairman  
John Zucal, Chairman of Stewards (Thoroughbred)  
Adrian Crowther, Chairman of Stewards (Harness)