

STEWARDS INQUIRY DECISION

Date of Decision: 6th August 2021
Stewards Panel: L Lord (Chair), H Edgecombe, B Plunkett
Name: Mr Raymond Pullen
Track/Race: Tasmanian Trotting Club
Date: 25th April 2021
Rule no: AHRR 231(2)
Charge(s): Mr Raymond Pullen is, and was at all relevant times, a trainer licenced by the Office of Racing Integrity Tasmania and a person bound by the Australian Harness Racing Rules.

Mr Pullen was conducting activities regulated by a licence at the Tasmanian Trotting Club meeting on 25th April 2021 as the trainer of MOST PERFECT MAJOR & DISTINCTIVE DEL NZ.

It is the opinion of the Stewards and evidence presented, that on 25th April 2021, Mr Pullen misconducted himself by engaging in improper behaviour toward another licenced person, Ms Samantha Gangell. Mr Pullen has misconducted himself by positioning himself between Ms Gangell and Mr Michael Pullen in a manner that could be construed as intimidating and using abusive language towards Ms Gangell.

Inquiry Decision: The Stewards Panel imposed a Suspension of Mr Pullen's training and driving licences for a period of three (3) months. That suspension is wholly suspended on the provision that he does not re-offend under this Rule or Rules of this nature for a period of twelve (12) months.

Acting under the provisions of AHRR 256(5)(c) Stewards ordered that the \$750 fine which was previously suspended for the breach of AHRR 231(2) on 14th February 2021 be invoked.

FACTS:

Mr Pullen became engaged in a verbal altercation at the Tasmanian Trotting Club meeting on 25th April 2021 in the stabling area.

The altercation was witnessed by numerous racing participants and subsequently reported to Stewards.

INQUIRY:

On 14th July 2021 Stewards held the Inquiry into the matter.

Stewards considered written and verbal evidence tendered from a number of witnesses, surveillance footage of the incident, and written and verbal evidence from both Ms Gangell and Mr Pullen.

The surveillance footage showed Ms Gangell and Mr Michael Pullen conversing in the stabling area, when Mr. Ray Pullen moved toward them stepped in between them, facing Ms Gangell.

Witness accounts described Mr. Ray Pullen stepping in between Ms Gangell and Mr Michael Pullen in what could be construed as an intimidating way, facing Ms Gangell and then using abusive language toward her.

DECISION:

After consideration of all the evidence produced throughout the Inquiry the Stewards Panel issued Mr Pullen with a charge under AHRR 231(2).

Mr Pullen entered a plea of Not Guilty to the charge issued.

After hearing Mr Pullen's submissions regarding his Not Guilty plea, Stewards found Mr Pullen Guilty of the charge.

The Stewards Panel imposed a Suspension of Mr Pullen's training and driving licences for a period of three (3) months. That suspension is wholly suspended on the provision that he does not re-offend under this Rule or Rules of this nature for a period of twelve (12) months.

Acting under the provisions of AHRR 256(5)(c) Stewards ordered that the \$750 fine which was previously suspended for the breach of AHRR 231(2) on 14th February 2021 be invoked.

In considering an appropriate penalty, Stewards took into account the following matters:

- Mr Pullen's not guilty plea
- His submissions in relation to the not guilty plea
- The evidence presented during the inquiry
- On 14th February 2021, two months prior to this incident, Mr Pullen was fined \$1000 (\$750 suspended for a period of 12 months) for a breach under the same rule, which also involved Ms Gangell.
- That Mr Pullen did not consider the outstanding fine as a deterrent from acting in this manner
- His offence record prior to this incident. He had no offences under this Rule since 2002
- Mr Pullen walked approximately five metres and physically placed himself between Ms. Gangell and Mr. Michael Pullen and stood face to face with Ms Gangell. The physical aspect of this matter is a significant contributing factor. This is much more intimidatory than a simple verbal altercation.
- Mr Pullen abused Ms. Gangell with no provocation from Ms. Gangell
- Penalty precedents imposed throughout Tasmania and indeed Australia of a similar nature.
- His relevant personal circumstances
- A penalty needs to act as a deterrent, both personally and to the industry as a whole, in order to uphold the image and integrity of the industry
- ORI does not tolerate this kind of behaviour towards any person
- We have considered that race meetings are a place of work, and that all participants have a right to feel safe when attending race meetings

Mr. Pullen was advised of his Right to Appeal.