

## **THOROUGHBRED RACING SA LIMITED**

### **STIPENDIARY STEWARDS' REPORT – G. LYNCH / KOSMOS TERCEDES – MURRAY BRIDGE – 12/10/16**

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#### **MORPHETTVILLE – MONDAY, 20 FEBRUARY 2017**

Stewards concluded an inquiry which was adjourned on Wednesday, 12 October 2016 and Monday, 9 January 2017. Evidence was taken from Mr. G. Lynch, the Trainer of KOSMOS TERCEDES, previous owner Mr. Michael Tsaousidis, and current part-owner Mr. Andrew Costello. Stewards also examined Mr. Lynch's Bank records and the Bank records of licensed person Ms. Cassandra Heuritsch. In addition, Stewards examined Mr. Lynch's mobile phone records.

Mr. Lynch pleaded guilty to a charge under AR.56.(i) (**Charge 1**), the particulars being that as the Trainer of KOSMOS TERCEDES he failed to include in the stable return for the horse, in respect of its engagements on 9/10/16 at Gawler & 12/10/16 at Murray Bridge, the names of the persons having a share or interest in the ownership of the horse.

Mr. Lynch also pleaded guilty to a charge under AR56B (**Charge 2**), the particulars being that as the Trainer of KOSMOS TERCEDES which raced at the Murray Bridge Racecourse on Wednesday, 12 October 2016 and at Gawler on 9 October 2016 he provided misleading information regarding the ownership of the horse, the misleading information being that;

1. When questioned at Murray Bridge racecourse on 12 October 2016 after the running of Race 4, in regard to the ownership, he advised that the owner was Mr Michael Tsaousidis – the person reflected in the race book.
2. He indicated Mr Andrew Costello had purchased the horse but on terms which would only make him the owner after the horse's engagement in the said race on 12 October and for the purpose of racing the horse at the Blinman Picnic race meeting.
3. He provided the information in (1) & (2) above with the knowledge that such did not reflect the true position, and notwithstanding such knowledge he maintained the position referred to in parts (1) & (2) above at the resumption of the inquiry into the matter on Monday, 9 January 2017.

Mr. Lynch also pleaded guilty to a charge under AR.175(g) (**Charge 3**), the particulars of the charge being that he gave false evidence during the course of the inquiry on Monday, 9 January 2017, in that he maintained, up until the discovery of his text messages on his mobile phone, that Mr. Tsaousidis was the owner of KOSMOS TERCEDES and that Mr. Andrew Costello only had interest in the horse following its run on 12 October 2016 at Murray Bridge. Stewards noted the text messages revealed the true state of affairs.

Mr. Lynch also pleaded guilty to a charge under AR.175(l) (**Charge 4**) the particulars of the charge being that as a licensed person he connived at committing a breach of the rules, with Mr. Andrew Costello, which would result in him (Mr. Lynch) not being in breach of providing false and misleading evidence, the supporting particulars being that;

1. He sent a text message on 14 October 2016 to Mr Andrew Costello which was designed to ensure, if asked by Stewards, that Mr Costello provide a certain version of the circumstances relating to the purchase and ownership of the horse, which version did not reflect the true state of affairs, and which was further intended to protect him from any possible action by Stewards. The text message also indicated that he had contacted the previous owner to ensure he also maintained the same version if asked.

2. He also sent a text message to Mr Andrew Costello on 17 October 2016 which included terms which intended to ensure that Mr Costello, if asked by Stewards, provided a particular state of affairs, knowing that such did not reflect the true position and which was further intended to ensure that all parties connected to the horse held out the same version of events.
3. And that the substance of these text messages were designed to ensure that a certain state of affairs would be held out to the Stewards in respect of the ownership of the horse KOSMOS TERCEDES, which state of affairs was untrue.

In determining penalty Stewards had regard for Mr. Lynch's personal circumstances, factors relating to individual and general deterrence, the serious nature of breaches relating to the *bona fides* of racehorse ownership and conduct under AR.175. Stewards also noted his clear intent to provide the misleading information and connive with other parties in relation to the matter. In the circumstances Stewards determined that in respect of;

**Charge 1** – Mr. Lynch be fined **\$200**.

**Charge 2** – Mr. Lynch's trainer's license be suspended for a **period of 3 months**.

**Charge 3** – Mr. Lynch's trainer's license be suspended for a **period of 2 months**.

**Charge 4** – Mr. Lynch's trainer's license be suspended for a **period of 6 months**.

Stewards further determined, acting under AR.196(3), that the penalties relating to charges 2, 3 & 4 be served concurrently. This has the effect that Mr. Lynch's trainer's license is suspended commencing at midnight Monday, 27 February 2017 and expiring at midnight Sunday, 27 August 2017.

Stewards also determined, acting under AR.183B to allow Mr. Lynch to be registered as a stablehand and to also allow him to continue to ride track work. Stewards further granted permission for Mr. Lynch to engage in activities as a horse breaker and/or pre-trainer provided Stewards are satisfied with the *bona fides* of any such activity and that such activity is not an arrangement to circumvent the suspension imposed.

Stewards also determined in accordance with AR.56B, that KOSMOS TERCEDES, be disqualified from both events, being 9 & 12 October 2016 at Gawler and Murray Bridge respectively.

The placings for Race 8 on 9 October at Gawler have been amended to –

First	No. 2	MIDNIGHT MOON (J. Huxtable)
Second	No. 8	PARTING SHOT (D. Tootell)
Third	No. 15	MERRY CHRISTMAS (D. Tourneur)
Fourth	No. 5	TIA (NZ) (J. Mamat)
Fifth	No. 1	RAISE A DREAM (B. Griffiths)

The placings for Race 4 on 12 October at Murray Bridge have been amended to –

First	No. 2	BANG FOR YA BUCK (C. Lindop)
Second	No. 8	GETTING LEGGIE (S. Cahill)
Third	No. 3	DAREBEN HALARO (B. Claridge)
Fourth	No. 4	PIERREMONT (J. Potter)
Fifth	No. 10	JUST A DREAM (J. Maund)

Mr. Lynch was informed of his right of appeal.

**J. C. PETZER**  
**CHAIRMAN OF STEWARDS**  
 20 February 2017