



RACING SA LIMITED
STIPENDIARY STEWARDS' REPORT
Trainer Mr. Dennis O'Leary & Stable Employee Mrs. Karen O'Leary

RACING SA OFFICES – TUESDAY 7 & 21 MARCH 2023

Stewards: J. Petzer (Chairman), P. Ryan & C. Deakin.

On Tuesday 21 March 2023 Stewards concluded an inquiry adjourned from 7 March 2023, into the circumstances surrounding the condition and welfare of a number of retired thoroughbred racehorses located at a property under the control of licensed Trainer Mr. Dennis O'Leary and registered Stable Employee Mrs. Karen O'Leary.

Stewards heard evidence from Mr. & Mrs. O'Leary, Racing SA Industry Operations Manager Mr. John Cornell, Racing SA Veterinary Surgeon Dr Toby Koenig and Equus Veterinary Services veterinarian Dr Daniel Sims. Stewards also considered written reports from Dr Toby Koenig, Dr Daniel Sims, Mr. John Cornell and Dr. Greg Sezun of Vets on Eyre veterinary clinic.

The hearing was advised that after being alerted to concerns regarding the condition and welfare of a number of retired thoroughbred racehorses on the property of Mr. and Mrs. O'Leary in 2022, Racing SA Welfare and Veterinary staff immediately visited and inspected thoroughbred horses on the property and in addition made subsequent visits to the property with representatives from the RSPCA.

Independent veterinarian, Dr Daniel Sims, who attended the property subsequently, identified that three of the six horses he examined were suitable to be rehabilitated and these were rehomed by Racing SA. However, Dr Sims considered three other horses to be beyond rehabilitation and these had to be humanely euthanased. A further eight horses, which were the subject of initial concern, had been sold to a third party with the consent of the RSPCA prior to the independent veterinarian attending the property.

After considering the evidence Stewards laid various charges against Mr. & Mrs. O'Leary under Australian Rules of Racing – AR231(1)(b)(ii); AR231(1)(b)(iii) & AR231(1)(b)(iv).

Charges 1, 2 & 3 (Mr. & Mrs. O'Leary):

Relating to the retired thoroughbred race horses **All Bar Two, Eureka Pulse, and Lunar Medley:**

Particulars Charge 1: – Under AR231(1)(b)(ii) – as the persons in charge of the three horses referred to they failed to take such reasonable steps as were necessary to alleviate any pain suffered by them, those reasonable steps being to have engaged a farrier to attend to the three horses feet in the period leading up to 14 July 2022. Mr. & Mrs. O'Leary **pleaded guilty** to their respective charges.

Particulars Charge 2: – Under AR231(1)(b)(iii) – as the persons in charge of the three horses referred to they failed to provide veterinary treatment to them in the period leading up to 14 July 2022, where such treatment was necessary for the horses. Mr. & Mrs. O'Leary **pleaded guilty** to their respective charges.

Particulars Charge 3: – Under AR231(1)(b)(iv) – as the persons in charge of the three horses referred to they failed to provide proper and sufficient nutrition for them in the period leading up to 14 July 2022. Mr. & Mrs. O'Leary **pleaded guilty** to their respective charges.

Charges 4 & 5 (Mr. & Mrs. O'Leary):

Relating to the retired thoroughbred race horses **Coally Bore, Outlandish Lad, and Serenity Jane**:

Particulars Charge 4: - Under AR231(1)(b)(ii) - as the persons in charge of the three horses referred to they failed to take such reasonable steps as were necessary to alleviate any pain suffered by them, those reasonable steps being to have engaged a veterinary surgeon to examine the three horses to facilitate appropriate pain relief treatment for them in the period leading up to 27 June 2022, and again up until 14 July 2022. Mr. & Mrs. O'Leary **pleaded guilty** to their respective charges.

Particulars Charge 5: - Under AR231(1)(b)(iv) - as the persons in charge of the three horses referred to they failed to provide proper and sufficient nutrition for them in the period leading up to 14 July 2022. Mr. & Mrs. O'Leary **pleaded guilty** to their respective charges.

Charges 6 & 7 (Mr. & Mrs. O'Leary):

Relating to the retired thoroughbred race horses **Gangsters Run, Varacalli Lad, Magical Pearl, Zandercan, Christopherson, Jocks Glen, Viper Pilot, and Bouncing Beverley**:

Particulars Charge 6: - Under AR231(1)(b)(iii) - as the persons in charge of the eight horses referred to they failed to provide veterinary treatment to them in the period leading up to 27 June 2022, where such treatment was necessary for the horses. Mr. & Mrs. O'Leary **pleaded guilty** to their respective charges.

Particulars Charge 7: - Under AR231(1)(b)(iv) - as the persons in charge of the eight horses referred to they failed to provide proper and sufficient nutrition for them in the period leading up to 27 June 2022. Mr. & Mrs. O'Leary **pleaded guilty** to their respective charges.

Penalties - In determining penalties to the various charges Stewards considered;

- Mr. & Mrs. O'Leary's personal circumstances;
- Their guilty pleas;
- Their clean records;
- The seriousness of the breaches, particularly having regard for the fact they relate to welfare matters;
- Individual and general deterrence;
- Their co-level of responsibility in respect of the care and welfare of all the horses referred to in the various charges (noting that having regard for the specific circumstances and arrangements in respect of the care and welfare of the said horses, Mr. O'Leary assumed a secondary role in respect of their care and welfare and did not have day to day de facto oversight of the said horses); and
- **More specifically:**
 - In respect of Charges 1, 2 & 3 that the three (3) horses concerned were able to be rehabilitated and rehomed in association with a recognised rehabilitation facility.
 - In respect of Charges 4 & 5 that the three (3) horses concerned had to be humanely euthanased by an independent veterinary surgeon on 14 July 2022 after examination on the basis of their poor welfare and prognosis.
 - In respect of Charges 6 & 7 that the eight (8) horses concerned were removed from their [O'Leary's] property after being sold to a third party with the consent of the RSPCA.

After applying a discount for mitigating factors Stewards imposed the following penalties:

Charge	Mr. Dennis O’Leary	Mrs. Karen O’Leary
1	A disqualification for a period of (9) months , reduced from (12) months.	A disqualification for a period of (12) months , reduced from (16) months.
2	A disqualification for a period of (9) months , reduced from (12) months.	A disqualification for a period of (12) months , reduced from (16) months.
3	A disqualification for a period of (9) months , reduced from (12) months.	A disqualification for a period of (12) months , reduced from (16) months.
4	A disqualification for a period of (18) months , reduced from (24) months.	A disqualification for a period of (24) months , reduced from (32) months.
5	A disqualification for a period of (18) months , reduced from (24) months.	A disqualification for a period of (24) months , reduced from (32) months.
6	A disqualification for a period of (12) months , reduced from (16) months.	A disqualification for a period of (18) months , reduced from (24) months.
7	A disqualification for a period of (12) months , reduced from (16) months.	A disqualification for a period of (18) months , reduced from (24) months.

Stewards, acting under the provisions of **AR 283(4)**, ordered that all the penalties be served concurrently and commence at midnight Tuesday 28 March 2023 and,

1. In the case of **Mr. Dennis O’Leary**;
 - conclude at midnight on Saturday 28 September 2024 – **a total period of disqualification of 18 months**. Stewards noted that Mr. O’Leary may re-apply for his license after that date.
2. In the case of **Mrs. Karen O’Leary**;
 - conclude at midnight on Friday 28 March 2025 – **a total period of disqualification of 24 months**. Stewards noted that Mrs. O’Leary may re-apply for her license after that date.

Mr. & Mrs. O’Leary were advised of their rights of appeal.

Note on penalty of Disqualification:

Stewards note that a penalty of a disqualification is a severe penalty and under the terms of **AR263**, which details the prohibitions on persons and their conduct while disqualified, Mr. and Mrs. O’Leary would not be able to participate in any form of racing, including ownership of race horses, breeding and wagering activities, and may also not be present at, or on any racing/training/breeding facility in Australia or elsewhere.

J. Petzer
General Manager Integrity
23 March 2023