

STEWARDS DECISION

OFFICE OF RACING INTEGRITY and Mr Mehmet Ulucinar

Date of hearing: 28th August 2024

Stewards Panel: Bruce Free (Chair); Tony Harding and Tracy Canham

Present: Mr Mehmet Ulucinar

Rule: Australian Rules of Racing AR139(1)(a)

Charge: That on Wednesday 7th June 2023 at Devonport Racecourse, Mehmet Ulucinar, a licenced Jockey who, having been requested by a Stipendiary Steward to supply a sample of is urine which was found, upon analysis, to contain the controlled drug d-amphetamine, committed a breach of Rule AR136(1)(g) of the Australian Rules of Racing, and that you are thereby liable to the penalty or penalties which may be imposed upon your pursuant to the provisions of Rule AR283 of the said Rules.

Plea: Reserved

1. Background.

- (a) On Wednesday 7th June 2023 Office of Racing Integrity Stewards conducted workplace drug testing at Devonport Racecourse.
- (b) Mr Ulucinar was one of the persons selected to be tested.
- (c) Mr Ulucinar was required to provide a sample of his urine. The test being conducted by Office of Racing Integrity Stewards.
- (d) Their sample was given the unique number 200688.
- (e) On Wednesday 21st June 2023 Racing Analytical Services Limited (RASL) confirmed the presence of d-amphetamine in sample number 200688, being the urine sample provided by Mr Ulucinar.
- (f) Mr Ulucinar subsequently provided a clear sample.

2. Respondents Penalty Submissions

Mr Ulucinar stated he is unaware of how d-amphetamine come to be in his system.

Mr Ulucinar's only explanation for the substance was that it may have been as a result of medication provided to him by medical professionals after falling from a horse in the weeks prior to providing the sample.

Mr Ulucinar submitted as a consequence of this adverse finding, he has suffered a significant loss in race rides through damage to his reputation, resulting in a reduction to his income.

Mr Ulucinar stated that in addition to a reduction in race rides, he had suffered financially through the loss of rides whilst waiting for the result of a clearance sample.

3. Penalty

Turning to the matter of penalty the Stewards are cognisant of the following:

Sentencing Principles –

- (i) That penalties are designed to punish the offender for his wrongdoing. They are not meant to be retributive in the sense that the punishment is disproportionate to the offence, but the offender must be met with a punishment.
- (ii) That in a racing context it is very important that a penalty has the effect of deterring others from committing similar offences through the consideration of both general and specific deterrence.
- (iii) That penalties imposed upon those offending the prohibited substance rules should reflect the industry's disapproval of drugs being detected in those persons actively involved in work with racehorses.

4. Contributory Factors

Mr Ulucinar has been cooperative with the Stewards throughout the process.

Mr Ulucinar's record demonstrates no previous breaches of the prohibited substances rules in the previous 20+ years he has been licenced.

Importantly, we acknowledge Mr Ulucinar's personal circumstances which we find are relevant with respect to penalty.

5. Penalty Discussion:

When promulgating a starting point the panel has had regard to not only the sentencing principles detailed above, but also the seriousness of the offending; industry expectations; and the need to protect the industry from unnecessary risk. Balanced. And as such the penalty imposed must reflect the industry's concern with respect to the presence of drugs in horses racing.

Given all factors we determine that the starting point in this matter should be a suspension of Mr Ulucinar's licence for a period of three months.

In consideration of penalty, the Stewards recognise that Mr Ulucinar was stood down from race riding and track work for a period of four weeks, between the time the Office of Racing

Integrity was advised of the result of sample 200688 and the result of his clearance sample 300796 was returned.

6. Outcome

Mr Ulucinar is suspended for a period of two months. The effective dates of the suspension being from midnight 1st September 2024 to the 31st October 2024. Mr Ulucinar is suspended from race riding and is permitted to ride in trials, jump outs and trackwork. Rider M Ulucinar provided a clearance sample prior to riding.

In determining penalty, the Panel has had regard to the following:

- The time served by Mr Ulucinar when stood down prior to his clearance sample being returned, approximately one month.
- Mr Ulucinar's cooperation with the inquiry and key admissions.
- Mr Ulucinar's disciplinary history, noting no prior breaches of a similar rule.
- The nature of the prohibited substance, being d-amphetamine.
- The need to maintain the integrity of thoroughbred racing and to ensure a level playing field for all participants.
- Mr Ulucinar's personal circumstances.
- Mr Ulucinar's character and personal references.
- Penalty imposed is similar from previous breaches with a slightly reduced penalty.

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