

GREYHOUND WELFARE & INTEGRITY COMMISSION
DISCIPLINARY ACTION DECISION

Date of decision: Tuesday 24 October 2023

Decision-maker: Chief Steward Troy Vassallo and A/ Senior Intelligence Analyst – Wagering and Form Chris Psillis

Name of relevant person: Mark Merlino

Track: Wentworth Park

Date(s): 22 January 2022 - 23 April 2022

Rule no.: GAR86(o), LR151I(1)(a), LR151J(r)

Charge(s):

Charge 1 (86(o)): Mr Merlino, on a number of dates between 22 January 2022 & 23 April 2022, accepted various bets on behalf of his employee, which had been received by a person who was under the age of 18. Mr Merlino negligently failed to ascertain if that person was over the age of 18.

Charge 2 (LR151I(1)(a)): Mr Merlino failed to keep written or computer records of bets placed on 22 January 2022 in his betting ledger.

Charge 3 (LR151I(1)(a)): Mr Merlino failed to keep written or computer records of bets placed on 23 April 2022 in his betting ledger.

Charge 4 (LR151J(r)): Mr Merlino, whilst bookmaking at Wentworth Park race meetings between 1 January 2022 and 1 November 2022, had in his possession, a mobile telephone that had not been approved by GWIC.

Plea: Guilty to all charges

Disciplinary action taken: To issue a fine in the sum of \$7,500.00.

DECISION:

1. Mr Merlino was registered at all material times as a Bookmaker and Owner.
2. Mr Merlino primarily operates out of Wentworth Park when working within the greyhound racing industry.
3. Mr Merlino employs Ms Kirstine Langham as a Bookmaker Clerk ("**Ms Langham**").

4. The Commission obtained evidence that between 22 January 2023 and 23 April 2023 Ms Langham accepted multiple bets on behalf of Mr Merlino from a person who was under the age of 18 years old.
5. On Wednesday 30 August 2023 Mr Merlino was issued with a notice of charge and proposed disciplinary action (“**Notice**”).
6. In the Notice the decision makers charged Mr Merlino with four offences under the under the Greyhound Racing Rules¹, which read:

Rule 86(o)

A person (including an official) shall be guilty of an offence if the person-

(o) has, in relation to a greyhound or greyhound racing, done a thing, or omitted to do a thing, which, in the opinion of the Stewards, or the Controlling Body, as the case may be, is negligent, dishonest, corrupt, fraudulent or improper, or constitutes misconduct;

Local Rule 151I

- (1) *A bookmaker must keep a written or computer record (betting ledger) in a form approved by the Controlling Body setting out the true and accurate particulars of:*
 - (a) *Every bet made with a bookmaker;*

Local Rule 151J

A bookmaker permitted by the club to carry on his business at a race meeting shall –

...

(r) not, without the permission of Stewards, whilst betting is taking place on a racecourse, bring onto, have in his or her possession or use any portable telephone, radio transmitter, radio transceiver or other appliance, apparatus, instrument or equipment capable of receiving or transmitting information that has not been approved under an authority issued by the Minister for Gaming and Racing;

7. The Notice proposed the following penalties in respect of the charged conduct, and invited Mr Merlino to attend a hearing via Microsoft Teams to enter a plea and make submissions in respect of the charges:

Charge 1 (GAR86(o))	To issue a 9-month disqualification;
Charge 2 (LR151I(1)(a))	To issue a fine of \$500.00;
Charge 3 (LR151I(1)(a))	To issue a fine of \$500.00; and
Charge 4 (LR151J(r))	To issue a fine of \$1000.00.

8. Mr Merlino’s legal representative provided written submissions and entered a guilty plea in respect of each charge on Mr Merlino’s behalf.

¹ It is noted that the Notice issued charges 2 and 3 under Local Rule 184G(1)(a), and charge 4 under Local Rule 184H(r), being the equivalent rules that came into force on 1 May 2022.

9. In considering the matter, the decision makers considered Mr Merlino's pleas and submissions, as well as all available evidence. The decision makers found the charges proven and took the following disciplinary action against Mr Merlino:

To issue a fine in the total sum of \$7,500 as a penalty for all four offences.

10. In taking this disciplinary action, the decision makers considered all evidence, including:

- Mr Merlino's plea of guilty to all charges;
- Mr Merlino's unblemished disciplinary record; having been registered for a period of approximately 43 years;
- Submissions made by Mr Merlino in respect of his professional and personal circumstances;

.....End.....