

**DETERMINATION OF THE**  
**RACING PENALTIES APPEAL TRIBUNAL**

**APPELLANT:**                      DAVID MICHAEL MENAGLIO

**APPLICATION NO:**              A30/08/755

**PANEL:**                              MR D MOSSENSON (CHAIRPERSON)  
   MR W CHESNUTT (MEMBER)  
   MS K FARLEY (MEMBER)

**DATE OF HEARING:**              28 MAY 2013

**DATE OF DETERMINATION:** 13 JUNE 2013

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IN THE MATTER OF an appeal by Mr David Michael Menaglio against determination made by Racing and Wagering Western Australia Stewards of Greyhound Racing imposing a 12 month disqualification for breach of Rule 86(o) of the Racing and Wagering Western Australia Rules of Greyhound Racing.

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Mr D Menaglio represented himself.

Mr C Martins represented the Racing and Wagering Western Australia Stewards of Greyhound Racing.

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By a unanimous decision of the Tribunal, the appeal against penalty under Rule 86(o) is upheld.

The 12 month penalty of disqualification imposed on the appellant is varied to a 6 month disqualification followed by 6 month suspension.



DAN MOSSENSON, CHAIRPERSON

THE RACING PENALTIES APPEALS TRIBUNAL

REASONS FOR DETERMINATION OF MR D MOSSENSON  
(CHAIRPERSON)

APPELLANT: DAVID MICHAEL MENAGLIO

APPLICATION NO: A30/08/755

PANEL: MR D MOSSENSON (CHAIRPERSON)  
MR W CHESNUTT (MEMBER)  
MS K FARLEY (MEMBER)

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Mr D Menaglio represented himself.

Mr C Martins represented the Racing and Wagering Western Australia Stewards of Greyhound Racing.

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I have read the draft reasons of Mr W Chesnutt, Member.

I agree with those reasons and conclusions and have nothing further to add.



A handwritten signature in blue ink that reads "Dan Mossenson".

DAN MOSSENSON, CHAIRPERSON

**THE RACING PENALTIES APPEALS TRIBUNAL**

**REASONS FOR DETERMINATION OF MR W CHESNUTT**  
**(MEMBER)**

**APPELLANT:**                      **DAVID MICHAEL MENAGLIO**

**APPLICATION NO:**              **A30/08/755**

**PANEL:**                              **MR D MOSSENSON (CHAIRPERSON)**  
   **MR W CHESNUTT (MEMBER)**  
   **MS K FARLEY (MEMBER)**

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Mr D Menaglio represented himself.

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**BACKGROUND**

In this appeal against penalty Mr. David Menaglio, a licensed greyhound trainer, appeals against a disqualification of 12 months imposed upon him by the stewards. The stewards commenced an inquiry on 25 February 2013 into several incidents involving Mr. Menaglio on that evening. He pleaded guilty to a number of charges. The only one that is the subject of this appeal is that under Rule 86(o), which involved an incident where Mr. Menaglio kneed his greyhound Cosy Sue as he



was leaving the kennel area with her at the conclusion of racing. By a letter dated 7 March 2013 the stewards imposed a disqualification of 12 months for this offence.

The incident was recorded on video. We viewed the video during the hearing of this appeal. It was a violent and unpleasant incident, and I do not accept Mr. Menaglio's attempts to minimise the incident by suggesting, for example, that the dog's lead played a role in the dog twisting and bouncing after the blow. Everybody who witnessed that video in the lead up to this appeal, including Mr. Menaglio himself, has expressed disgust at the incident. I share that sentiment.

The dog does not appear to have done anything to trigger the attack by her owner, although of course even if she had that could never have justified or excused what happened.

The stewards quite rightly view incidents of cruelty as deserving strong censure, and disqualification is an appropriate penalty for it.

During the hearing of the appeal I asked Mr. Menaglio about his emotions on the night and it emerged that he was in financial difficulties on that evening and was desperately hoping for a win to alleviate those difficulties. When this did not occur, his disappointment overcame him, and he vented his emotions on the dog.

The material laid before us in the hearing indicated that Mr. Menaglio had suffered from depression in the past, and a letter from a psychiatrist dated 26 March 2013 indicated that he was currently in a state of stress and had been started on antidepressant medication by his GP, although he was said to be not currently suffering from a major psychiatric disorder. The psychiatrist stated that he approved of the decision to prescribe the antidepressants.

We also had the benefit of a letter from Mr. Menaglio's brother Paul, written as a reference for this appeal. That rather sad document provides some insight into a man whose life seems to have been going off the rails prior to this incident.

On a more positive note, we had a letter from Mr. Menaglio's vet, Dr. Brian Vale, indicating that he usually looks after his greyhounds exceptionally well. Moreover, Cosy Sue does not seem to have suffered any injury or lasting damage from this incident. The video shows her still walking, though somewhat cowed, and when examined by Dr. Vale on 19 March 2013 she was in good health and condition.

A number of people involved in greyhound racing have written references speaking well of Mr. Menaglio and of the way he looks after his dogs.

Since this incident Mr. Menaglio has recognised that he has psychological problems. As stated above, his GP has commenced him on antidepressant medication. He has also sought psychological counseling and assistance with anger management.

Moreover, his family has rallied behind him with a view to investing financially in his training operations, thereby helping to relieve some of his pressure.

Mr. Menaglio is an electrician by trade although greyhound training seems to have overtaken this in his life, at least prior to this incident.

At the hearing of the appeal he put forward the difficulties that disqualification places upon him with his electrical work. It seems that he receives most of his work from people associated with greyhounds and that the disqualification not only prevents him from earning any income from racing, but also hinders his ability to earn a living from his trade because he is unable to mix socially with those who he would otherwise get his work from.

The stewards told us at the hearing that they were aware at the time of their inquiry that Mr. Menaglio was having some difficulties in life. They did not try to say that they were fully aware of the extent of those difficulties, and they did not have the benefit of the materials that we have had, particularly the doctors' reports.

Those materials in my mind are mitigatory and whilst providing no excuse for Mr Menaglio's appalling conduct, do explain how it may have come about. The steps Mr Menaglio has taken since this incident indicate to me that he is unlikely to re-offend and that his prospects for rehabilitation are good.

With the information that the stewards had available to them when they made their decision, the penalty that they imposed was the correct one. However, in the light of the further information available to us, I believe that this penalty ought to be modified. I would vary it so as to impose a 6 month disqualification followed by a 6 month period of suspension.

The suspension will prevent Mr. Menaglio racing greyhounds for the full period envisioned by the stewards, but will permit him to associate with other members of greyhound racing circles so as to rebuild his electrical trade, and still maintain some involvement with the industry while he receives the assistance he clearly needs with other areas of his life.



A handwritten signature in blue ink, appearing to read "W. Chesnutt", written over a horizontal line.

**WILLIAM CHESNUTT, MEMBER**



**THE RACING PENALTIES APPEALS TRIBUNAL**

**REASONS FOR DETERMINATION OF MS K FARLEY**  
**(MEMBER)**

**APPELLANT:**                      **DAVID MICHAEL MENAGLIO**

**APPLICATION NO:**              **A30/08/755**

**PANEL:**                              **MR D MOSSENSON (CHAIRPERSON)**  
   **MR W CHESNUTT (MEMBER)**  
   **MS K FARLEY (MEMBER)**

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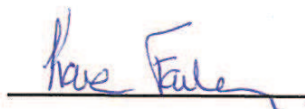
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I have read the draft reasons of Mr W Chesnutt, Member.

I agree with those reasons and conclusions and have nothing further to add.



**KAREN FARLEY, MEMBER**