

## MR JAMES MCPHERSON - INQUIRY CONDUCTED

DECEMBER 13, 2024

**Harness Racing New South Wales (HRNSW) Stewards completed an Inquiry into a number of conduct related matters involving licensed Trainer and Driver Mr James McPherson.**

The conduct included:

- Alleged sale of a set of sulky wheels to Mr Anthony Varga
- Alleged sale of a sulky to Mr Brett Smith
- Horses BETTORS HOPE and EL CAMINO racing and trialling whilst the licences of Mr McPherson had been suspended
- A voice message left by Mr McPherson on the voicemail of HRNSW Integrity Manager Michael Prentice

Mr McPherson appeared at the Inquiry and presented evidence in relation to each of the respective matters. A number of documents were entered into evidence, including text message exchanges between Mr McPherson, Mr Varga and Mr Smith.

Mr McPherson pleaded guilty to seven (7) charges issued by HRNSW Stewards pursuant to the Australian Harness Racing Rules:

### Charge 1

AHRR 241. A person shall not in connection with any part of the harness racing industry do anything which is fraudulent or corrupt.

The particulars of the charge were that Mr McPherson did, on or around 23 January 2024 act in a fraudulent manner when receiving the financial amount of \$2700 from Mr Anthony Varga for the purchase of sulky wheels and did fail to provide that property to Mr Varga

### Charge 2

AHRR 241. A person shall not in connection with any part of the harness racing industry do anything which is fraudulent or corrupt.

The particulars of the charge were that Mr McPherson did, on or around 21 January 2023 act in a fraudulent manner when receiving the financial amount of \$8000 from Mr Brett Smith for the purchase of a sulky and did fail to provide that property to Mr Smith.

### Charge 3

AHRR 91(1) A person shall not carry on an activity regulated by a licence: -

- if that person is not the holder of a current licence
- if the person's licence is suspended; or
- except in accordance with the terms and conditions of the licence.

The particulars of the charge were that Mr McPherson, whilst having a suspended trainer/driver licence, did nominate and present BETTORS HOPE, a horse trained by him, to race at Melton on 27 April 2024.

### Charge 4

AHRR 91(1) A person shall not carry on an activity regulated by a licence: -

- if that person is not the holder of a current licence

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- (b) if the person's licence is suspended; or

except in accordance with the terms and conditions of the licence.

The particulars of the charge were that Mr McPherson, whilst having a suspended trainer/driver licence, did nominate, present and/or drive EL CAMINO, a horse trained by him, to compete at Coolamon on 28 April 2024.

Charge 5

AHRR 91(1) A person shall not carry on an activity regulated by a licence: -

- (a) if that person is not the holder of a current licence  
(b) if the person's licence is suspended; or

except in accordance with the terms and conditions of the licence.

The particulars of the charge were that Mr McPherson, whilst having a suspended trainer/driver licence, did on 2nd May 2024 nominate BETTORS HOPE, a horse trained by him, to compete at the Wagga meeting on Tuesday 7 May 2024

Charge 6

AHRR 91(1) A person shall not carry on an activity regulated by a licence: -

- (a) if that person is not the holder of a current licence  
(b) if the person's licence is suspended; or

except in accordance with the terms and conditions of the licence.

The particulars of the charge were that Mr McPherson, whilst having a suspended trainer/driver licence, did on 2nd May 2024 nominate EL CAMINO, a horse trained by him, to compete at the Wagga meeting on Tuesday 7 May 2024.

Charge 7

AHRR 231 (1) A person shall not: -

- (a) threaten  
(b) harass  
(c) intimidate  
(d) abuse  
(e) assault  
(f) otherwise interfere improperly with  
(g) bully

anyone employed, engaged or participating in the harness racing industry or otherwise having a connection with it.

The particulars of the charge were that Mr McPherson did, at or around 12:57pm on 3 May 2024, leave an abusive recorded message on the telephone of HRNSW Integrity Manager Mr Michael Prentice following the withdrawal of EL CAMINO from the Wagga meeting on 7 May 2024.

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After considering submissions made by Mr McPherson, the following penalties were issued:

- Charge 1 – 27 Month Disqualification
- Charge 2 – 15 Month Disqualification
- Charge 3 - \$500 Fine
- Charge 4 - \$500 Fine
- Charge 5 - \$500 Fine
- Charge 6 - \$500 Fine
- Charge 7 – 6 Month Disqualification

In circumstances where the offending comes from separate and distinct conduct, the periods of disqualification were ordered to be served cumulatively. Accordingly, the licences of Mr McPherson were disqualified for a total of 4 years commencing from 5 March 2024, at which point he was stood down.

In considering penalty Stewards were mindful of the following;

- Mr McPherson’s licence history, offence record and involvement in the harness racing industry;
- Mr McPherson’s personal and financial subjective factors;
- Mr McPherson’s guilty plea, in addition to his acknowledging his conduct was wrong and that he accepts full responsibility for his actions
- The monies owed to Mr Varga and Mr Smith have been repaid
- Conduct has the potential to be detrimental to the image of Harness Racing

Mr McPherson was advised of his right to appeal these decisions.

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