



**DECISION of the JUDICIAL COMMITTEE of the FEI**

**dated 2 May 2007**

**Positive Medication Case No.:** 2007/02

**Horse:** PIOEN L

**FEI Passport No:** ITA41123

**Person Responsible:** Mrs Mariangela Politi, ITA

**Rider:** Ms Virginia Maghenzani (Minor) ITA

**Event:** CSI\* Manerbio, ITA 24-26.11.2006

**Prohibited Substance:**

Prednisolone

**1. COMPOSITION OF PANEL**

Mr Ken E. Lalo  
Mr Patrick A. Boelens  
Mr Philip O'Connor

**2. SUMMARY OF THE FACTS**

**2.1 Memorandum of case:** by Legal Department.

**2.2 Summary information provided by Person Responsible (PR):** The Judicial Committee took into consideration all documents presented in the case file, as also made available by and to the PR.

**2.3 Oral hearing:** By teleconference on 4 April 2007.

**Present:** The Judicial Committee Panel

For the FEI:  
Alexander McLin, General Counsel  
Laetitia Zumbrunnen, Counsel

For the PR:  
Mrs Mariangela Politi, Person Responsible  
Mr Antonio Maghenzani, Rider's father  
Ms Virginia Maghenzani

### **3. DESCRIPTION OF THE CASE FROM THE LEGAL VIEWPOINT**

#### **3.1 Articles of the Statutes/ Regulations which are applicable or have been infringed:**

Statutes 21<sup>st</sup> edition, revision effective May 2006, ("**Statutes**"), Arts. 001.6, 057 and 058.

General Regulations ("**GR**"), 21<sup>st</sup> edition, effective 1 June 2006, Arts. 142, 146.1 and 174.

The Equine Anti-Doping and Medication Rules ("**EADMCRs**"), effective 1 June 2006.

Veterinary Regulations ("**VR**"), 10<sup>th</sup> edition, effective 1 June 2006, Art. 1013 and Annex III (the Equine Prohibited List).

FEI Code of Conduct for the Welfare of the Horse.

#### **3.2 Person Responsible:** Mrs Mariangela Politi

#### **3.3 Justification for sanction:**

GR Art. 146.1: "The use of any substance or method that has the potential to harm the horse or to enhance its performance is forbidden. The precise rules concerning Prohibited Substances and Medication Control are laid down in the EADMCRs."

EADMCRs Art. 2.1.1: "It is each Person Responsible's personal duty to ensure that no Prohibited Substance is present in his or her Horse's body during an Event. Persons Responsible are responsible for any Prohibited Substance found to be present in their Horse's bodily Samples."

### **4. DECISION**

#### **4.1 Consideration of the evidence:**

- a. PIOEN L (the "**Horse**") participated at CSI\* Manerbio (ITA) from 24 to 26 November 2006 (the "**Event**"). The Horse was ridden by Ms Virginia Maghenzani, who was minor at the time of the Event (the "**Rider**"). The Rider's mother, Mrs Mariangela Politi, is the legal representative of her daughter and is viewed as the Person Responsible in this case accordance with GR Article 142.4 (the "**PR**").

- b. The Horse was selected for sampling on 25 November 2006. Analysis of the urine sample no. FEI-0021288 taken from the Horse performed by the approved central laboratory of the FEI, the Laboratoire des Courses Hippiques, France ("**LCH**"), revealed the presence of Prednisolone (Certificate of Analysis 0021288 dated 15 December 2006). The PR has notified the FEI by a letter dated 9 February 2007 that she does not request a confirmatory analysis.
- c. Prednisolone is a steroid anti-inflammatory drug (Certificate of Analysis 0021288 dated 15 December 2006) and accordingly constitutes a "Medication Class A" Prohibited Substance specified in the second section of the Equine Prohibited List (VR Annex III).
- d. Dr Frits Sluyter, Head of the FEI Veterinary Department, stated in the FEI Veterinary Department's Statement dated 24 January 2007 that: "Prednisolone is a glucocorticoid, which can be used in horses for its anti-inflammatory effect on inflammatory conditions of the locomotion system (e.g. arthritis), but is also used to manage acute allergic reactions."
- e. The Judicial Committee is satisfied that the laboratory report reflects that the test was correctly performed in an acceptable method and that the findings of LCH are accurate. The Judicial Committee is satisfied that the test results show the presence of the Prohibited Substance. The PR did not contest the accuracy of the testing methods or the test results and positive findings. The FEI has thus sufficiently proven the objective elements of an offence in accordance with EADMCRs Article 3.
- f. The establishment of the objective elements of a medication offence creates the presumption of guilt of the PR. The finding on analysis of a prohibited substance is presumed to be a deliberate attempt of the PR to affect the performance of the horse. The PR has the opportunity to seek to rebut this presumption, in accordance with EADMCRs Article 10.5.
- g. In her written explanation dated 22 February 2007 the PR claims certain inaccuracy regarding the passport number of the Horse. The chain of custody of the urine sample was not questioned by the PR and, therefore, the relevancy of this

argument is doubtful. Regardless, this argument was later waived by the PR.

- h. In her written explanation dated 22 February 2007 the PR further stated, with apparent certainty, that no prohibited substance was given to the Horse. No explanation as to the source of the substance was provided and the PR merely stated that no substance was used and that there was clearly not even logical to give a prohibited substance to a horse ridden by a 16-year old girl at a low level event. The Judicial Committee emphasises that the opportunity provided to the PR, under EADMCRs Article 10.5, to present evidence which may rebut the presumption that the positive finding results from a deliberate attempt of the PR to affect the performance of the horse, requires evidence regarding the source of the substance. General expressions of surprise, statements that riders and their entourage have no knowledge as to the source of the found substance, statements that riders are against doping and had nothing to gain by using the found substance, indications that lack of stable security could have provided third parties with the opportunity to give the prohibited substance to the horse and the like, were not viewed by the Judicial Committee or the CAS as sufficient to rebut the presumption that the positive findings result from a deliberate attempt of the persons responsible and are therefore not sufficient to reduce the sanctions imposed on riders.
- i. In this case, the Rider's parents continued their search for the source of the positive test results. At the hearing held by means of a conference call on 4 April 2007, the Rider's parents provided testimony substantiating that the Horse had been treated three times a day with an ophthalmic cream containing Prednisolone up to days before the Event for conjunctivitis. They testified that their 16-year old daughter was riding at a "serious" riding establishment some 100 kilometres from her home and that they totally relied on the stable's trainer and staff. A veterinarian prescribed the use of an ophthalmic cream containing Prednisolone for 10 days and the groom at the stable, noticing that there has not been sufficient recovery, continued to use the cream for some additional 10 days. Therefore, this cream containing the prohibited substance was used from 25 October 2007 to close to 20 November 2007. The Rider's parents further confirmed their objections to the use of any drugs,

on humans or horses and indicating that they fully supported their daughter's riding activity. The Rider's parents stated that while they were not "horse persons" themselves, they will be, following this case, more involved in stable management matters and take action to become informed of treatments provided to the Horse.

- j. The Judicial Committee requested that a statement from the veterinarian be submitted within a prescribed period. By a letter received by the FEI on 10 April 2007, the Rider's parents confirmed again in writing the source of the substance found in the Horse's systems and enclosed a written confirmation dated 7 April 2007 from the veterinarian, Dr. Luigi Fusetti.
- k. The PR has therefore successfully rebutted the presumption of intent. Nevertheless, the Judicial Committee considers that despite the explanations provided, the PR was negligent by not having ensured that the Horse was competing drug-free at the Event. While it appears that the stable team were taking most of the decisions concerning the Horse, this does not alter the primary responsibility of the PR. It is up to the PR to ensure that the Horse is free from prohibited substances prior to events. The PR should always inform herself of all treatments given to the Horse and ensure that they are announced upon arrival at the event to the FEI Veterinary Delegate and that the relevant medication form is issued before the start of the competition.
- l. In deciding the sanctions, the Judicial Committee considered on the one hand, the Rider's and PR's negligence and, on the other hand, the type of substance, the Rider's age and amateur "status", the level of the Event, the explanation provided indicating no intent to affect the performance of the Horse and a legitimate treatment of a condition from which the Horse suffered (albeit too close to the time of the Event and without declaring the use of prohibited substance before the Event) and the PR's cooperation in the investigation.

#### **4.2 Disqualification**

As a result of the foregoing, the Judicial Committee has decided to disqualify the horse PIOEN L and the Rider from the Event and that all medals, points and prize money won at the Event must be forfeited, in accordance with EADMCRs Article 9.

#### **4.3 Sanctions**

As a consequence of the foregoing, the Judicial Committee decides to impose on the PR the following sanctions, in accordance with GR Article 174 and EADMCRs Article 10:

- 1) The PR is fined **CHF 1250.-**.
- 2) The PR shall contribute **CHF 1000.-** towards the legal costs of the judicial procedure.

#### **5. DECISION TO BE FORWARDED TO:**

**5.1 The person sanctioned:** Yes

**5.2 The President of the NF of the person sanctioned:**  
Yes

**5.3 The President of the Organising Committee of the event through his NF:** Yes

**5.4 Any other:** No

#### **6. THE SECRETARY GENERAL OR HIS REPRESENTATIVE:**

Date : ...2 May 2007... Signature: ..........