



DECISION of the JUDICIAL COMMITTEE of the FEI

dated 20 February 2007

Positive Medication Case No.: 2006/54

Horse: PRINZIP

FEI Passport No: RUS00594

Person Responsible: Ms Olga Sirotenko, RUS

Event: CCI 2* Moscow, RUS 2-6.08.2006

Prohibited Substances:

- (1) Dexamethazone
- (2) Phenylbutazone
- (3) Oxyphenbutazone
- (4) Ketorolac
- (5) Benzocaine
- (6) 2-(1-Hydroxythyl) Promazine and 2--(1-Hydroxythyl) 7-Hydroxypromazine

1. COMPOSITION OF PANEL

Mr Philip O'Connor
Mr Ken E. Lalo
Mr Leonidas C. Georgopoulos

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 to the PR and her NF.

2.3 Oral hearing has not been requested.

3. DESCRIPTION OF THE CASE FROM THE LEGAL VIEWPOINT

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

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

General Regulations ("**GR**"), 21st 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**"), 10th edition, effective 1st June 2006, Art. 1013 and Annex III (the Equine Prohibited List).

FEI Code of Conduct for the Welfare of the Horse.

3.2 Persons Responsible: Ms Olga Sirotenko, RUS

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. PRINZIP (the "**Horse**") participated in CCI 2* Moscow, RUS from 2 to 6 August 2006 (the "**Event**"). The Horse was ridden by Ms Olga Sirotenko who is the Person Responsible in accordance with GR Article 142 (the "**PR**"). The PR was born 24 December 1987 and was, therefore, over the age of 18 years at the time of the Event.
- b. The Horse was selected for sampling on 4 August 2006. Analysis of the urine sample no. FEI-0008122 taken from the Horse performed by the approved central laboratory of the FEI, the Laboratoire des Courses Hippiques, France ("LCH"), revealed the presence of Dexamethazone, Phenylbutazone, Oxyphenbutazone, Ketorolac, Benzocaine, and 2-(1-Hydroxythyl) Promazine and 2--(1-Hydroxythyl) 7-Hydroxypromazine, the last two being metabolites of Acepromazine (Certificate of Analysis 0008122 dated 29 August 2006).
- c. Dexamethazone is an anti-inflammatory steroid, Phenylbutazone, Oxyphenbutazone and Ketorolac are non steroid anti-inflammatory drugs, Benzocaine is an anesthetic and Acepromazine is a tranquilizer (Certificate of Analysis 0008122 dated 29 August 2006).
- d. The FEI Veterinary Department's Statement included in the case file (undated) and signed by Dr Frits Sluyter, Head of the FEI Veterinary Department, indicates that each of the

substances standing alone is considered Medication type A. However, present together they are considered Doping. Accordingly, the substances, when present together, are "Doping" Prohibited Substances, as specified in the first section of the Equine Prohibited List (VR Annex III).

- e. A Confirmatory analysis has not been timely and properly requested by or on behalf of the PR. Apparently, in this case there have been several communication difficulties between the FEI and the NF. The RUS NF provided the FEI with the form used as a Request for a Confirmatory Analysis. It stated however in the cover letter (undated), that the PR does not want a confirmatory analysis and has signed the document only as an indication that she wishes to accept an administrative fine (apparently provided to another rider of the same NF in an unrelated case). The FEI, in a letter dated 13 November 2006 to the RUS NF, indicated that as a doping offence such acceptance of administrative fine was not available to the PR. In the same letter, the FEI indicated again that a proper request for a confirmatory analysis and a written explanation by the PR needed to be made by November 28 2006. No such request or explanation were apparently provided to the FEI.
- f. The Judicial Committee is satisfied that the laboratory report reflects that the test was accurately 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 Substances. 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 a doping offence in accordance with EADMCRs Article 3.
- g. The establishment of the objective elements of a doping 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.
- h. In an e-mail from RUS NF to FEI dated 24 October 2006 the RUS NF indicated that the PR resides in Siberia and that the distance to Moscow made it difficult to communicate timely. While the RUS NF expected documents signed by the PR to arrive, it indicated that the PR in a telephone discussion with the NF indicated that she had "rented" the Horse several days before the Event and had no information from the owner regarding medical treatment to the Horse. This is the only thing in the case file which resembles an attempt at providing an explanation.
- i. In the FEI Veterinary Department's Statement, Dr Sluyter states:

"The use of a variety of drugs in one horse can indicate a deliberate attempt to complicate detection (by using several drugs with a similar mode of action, but in low dosages), which is labelled as a 'cocktail'.

However, in this case, the fact that the drugs detected have different systems on which they act....seems to point more at a complete ignorance of the FEI rules.

The absence of an explanation by the PR does not help in making a clear evaluation of the laboratory report."

- j. The Judicial Committee considers that in this case the PR has failed to rebut the presumption of intent. Even accepting the RUS NF representative's summary of the telephone discussion with the PR, it is the PR's obligation to investigate and explain fully the presence of drugs in the Horse's systems and leasing a horse prior to an Event is not sufficient as such to relieve the PR of her obligations or to provide a proper explanation which may mitigate the sanctions to be imposed.
- k. The Horse, an 11 year old (at the time of the Event) bay gelding, has a limited record at FEI events and competed a number of times during the period 2003 – 2006. During 2006, in the only three FEI events in which the Horse competed he was ridden by the PR. These events were held in June, July and the Event held in August. This seems to indicate that even if the Horse was indeed leased prior to the Event, it is a Horse which the PR has known and competed upon in the months preceding the Event.
- l. In deciding the sanctions in this case the Judicial Committee considered, on the one hand, the doping violation and types of substances involved, which may indicate a complex medical condition, and the complete lack of explanation from the PR; and, on the other hand, the PR's age, competition level and limited experience in the international arena, the level of the Event and the communication issues between the PR and the NF. The latter considerations when taken together indicate that the PR likely ignored the possible consequences of her actions. Such ignorance of the applicable rules is however unacceptable and in no way can be deemed an excuse for competing with a horse under the influence of multiple substances. The Judicial Committee therefore condemns these actions on both sport integrity and welfare grounds.

4.2 Disqualification

As a result of the foregoing, the Judicial Committee has decided to disqualify the horse PRINZIP and the PR 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 suspended for a period of twelve (12) months;
- 2) The PR is fined CHF 1000.-; and
- 3) 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 : 20 February 2007

Signature: 