



DECISION of the FEI Tribunal

dated 4 July 2007

Positive Medication Cases No.: 2006/05 & 2006/18

Horses: I. CARLSON
II. MILLAR

FEI Passport No: I. USA07441
II. BEL05796

Person Responsible: Mr Guillermo Obligado, ARG

Events: I. CSI-W Indio, CA (USA), 7-12.02.2006
II. CSI-W San Juan Capristano, CA (USA) 29.03 – 02.04.2006

Prohibited Substances: I. Isoxsuprine & Romifidine
II. Romifidine

1. COMPOSITION OF PANEL

Mr Philip O'Connor
Mr Erik Elstad
Mr Patrick Boelens

2. SUMMARY OF THE FACTS

2.1 Memorandum of case: By Legal Department.

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

2.3 Oral hearing: None, by correspondence.

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 21 April 2004, ("Statutes"), Arts. 001.6, 057 and 058.

General Regulations ("GR"), 21st edition, effective 1 January 2005, Arts. 142, 146.2 and 174.

Veterinary Regulations ("**VR**"), 9th edition, effective 1st January 2002, revision April 2005, Art. 1013 and Annex IV.

FEI Code of Conduct for the Welfare of the Horse.

3.2 Persons Responsible: Mr Guillermo Obligado

3.3 Justification for sanction:

GR Art. 146.2: "Any horse found to have a Prohibited Substance in any of its tissues, body fluids or excreta at an event [...] is automatically disqualified, together with the competitor [...], from all competitions at that event, [...] unless the Judicial Committee decides based on the evidence to terminate the proceedings of the case."

Subsequent to the adoption of the FEI Statutes, 22nd edition, effective 15 April 2007, the Judicial Committee is now referred to herein as the "FEI Tribunal".

4. DECISION

4.1 Consideration of the evidence:

- a. First of all, the FEI Tribunal regrets the administrative delay in rendering the decision.

The present case involves positive results at two different FEI events held in the United States of America over a period of one month and a half.

The horse Carlson participated in CSI-W Indio, CA (USA) from 7 to 12 February 2006. The Horse was ridden by Mr Guillermo Obligado (ARG) who is the Person Responsible in accordance with GR Article 142 (the "**PR**").

The horse Millar participated in CSI-W in San Juan Capistrano, CA (USA) from 29 March to 2 April 2006. The Horse was ridden by Mr Guillermo Obligado (ARG) who is the Person Responsible in accordance with GR Article 142 (the "**PR**").

- b. The Horse Carlson was selected for sampling on 12 February 2006. Analysis of the urine sample no. E62617 taken from the Horse performed by the approved reference laboratory of the FEI, the USEF Equine Drug Testing and Research Laboratory, USA ("**EDTRL**"), revealed the presence of Isoxsuprine and Romidifine (Certificate of Analysis FEI E62617 dated 8 March 2006).

- c. On 7 April 2006 the PR submitted a request for a confirmatory analysis. The confirmatory analysis was carried out on urine at FEI's approved central laboratory, the Laboratoire des Courses Hippiques, France ("**LCH**") from 20 April 2006 to 6 May 2006 under the supervision of Mylène Roche, Senior Analyst. It confirmed the presence of Isoxsuprine and Romifidine (Counter-Analysis Report dated 6 May 2006).
- d. The Horse Millar was selected for sampling on 1 April 2006. Analysis of the urine sample no. E81397 taken from the Horse performed by EDTRL, revealed the presence of Romifidine (Certificate of Analysis FEI E81397 dated 25 April 2006). No confirmatory analysis was requested by the PR.
- e. Isoxsuprine is a vasodilator used to relax blood vessels and believed to act *inter alia* on the locomotor system as reported by the FEI Medication Sub-Committee ("**MSC**") on 27 March 2006. Romifidine is an alpha(2)-adrenoceptor agonist with sedative, muscle relaxant, and analgesic properties acting *inter alia* on the nervous system. Romifidine is graded alone "3" by the MSC and graded "1" when combined with Isoxsuprine.
- f. The FEI Tribunal is satisfied that the laboratory reports reflect that the tests were accurately performed in an acceptable method and that the findings of EDTRL and LCH are accurate. The FEI Tribunal is satisfied that the test results show the presence of the prohibited substances, Isoxsuprine and Romifidine. The PR has accepted the test results and did not contest the accuracy of the testing methods or the positive findings. The FEI has thus sufficiently proven the objective elements of a doping offence.
- 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.
- h. In regard to the presence of Romifidine, the PR mentions in his letter of 26 May 2006 that his groom acquired during the Indio event from another groom a medication used for keeping horses quiet when clipping. The groom used this product on several horses of the PR, including Carlson and Millar. The groom was informed by the other groom that this product was drug free. The groom has provided a signed statement confirming these facts. According to Frits Sluyter, Romifidine is only available for intravenous injection. If the

explanation submitted is true, it means that a groom is allowed to give repeated intravenous injections to a horse, without apparently considering the eventual consequences for testing.

- i. In regard to the presence of Isoxsuprine, the PR states that it is his belief that the horse Carlson was found to have Isoxsuprine in his system as a result of contamination. The PR mentions that Carlson was stabled in national stalls for competing in national events before the commencement of the international classes. The PR explains that the use of Isoxsuprine is authorized in national shows in the United States and that several horses stabled in national stalls received Isoxsuprine at that event, as evidenced by the statement of a veterinarian who prescribed this substance to a number of his clients at that event. Frits Sluyter, Director FEI Veterinary Department, confirmed that the use of isoxsuprine was permitted in national US events. The PR's veterinarian produced a statement confirming that he did not prescribe Isoxsuprine to Carlson.
- j. In his statement of 26 May 2006, the PR reports having been a professional rider for fifteen years and that he is well aware of the FEI and USEF medication rules. He oversees his grooms regarding medication rules with the guidance of his veterinarian. The PR expressed his sincere apologies for the positive tests on his horses and stated that he will do all he can to prevent this from happening again.
- k. For the case 2006/05 and the presence of Isoxsuprine, the FEI Tribunal considers that contamination is possible. Frits Sluyter stated that "Isoxsuprine is famous for contaminating stables. It is often administered as a powder mixed with the feed, and sticks easily to buckets, coveralls, hands and even walls. Thus, a contamination resulting in a positive horse, if horses under treatment are adjacent to the horse in question, or if grooms treat some horse(s) and then work with the tested horse, is an actual possibility. However, isoxsuprine is also frequently administered to horses with chronic problems in the foot." As to the presence of Romifidine in the horse Carlson, the FEI considers that the PR has not rebutted the presumption of guilt as mentioned above.
- l. For the case 2006/18 and the presence of Romifidine in the horse Millar, the FEI Tribunal considers that the PR has not rebutted the presumption of guilt as mentioned above.

- m. The FEI Tribunal notes that these cases 2006/05 and 2006/18 are not technically a repeated offence under GR Art. 174 due to the fact that the PR was not informed of the first positive case at the time of the second offence. The facts remain that the PR was involved in another case stemming from a positive finding thus, rendering the administrative sanctioning procedure inapplicable in the second positive case.
- n. The FEI Tribunal has taken into consideration the administrative delay in rendering its decision for determining the period of the suspension.

4.2 Sanctions

As a consequence of the foregoing, the FEI Tribunal decides to impose on the PR the following sanctions, in accordance with GR Article 174:

- 1) Disqualification of the horse Carlson and the PR from the entire CSI-W that took place in Indio, CA (USA) on 7-12 February 2006 and forfeiture of all prize money.
- 2) Disqualification of the horse Millar and the PR from the entire CSI-W that took place in San Juan Capristano, CA (USA) from 29 March to 2 April 2006 and forfeiture of all prize money.
- 3) In each instance, namely case 2006/05 and case 2006/18, the PR shall be suspended for a period of 3 months (to run concurrently) to commence immediately and without further notice at the expiration of the period in which an appeal may be filed (30 days from the date of notification of the written decision) or earlier if the appeal is waived in writing by or on behalf of the PR.
- 4) The PR is fined CHF 1000.- for case 2006/05 involving the horse Carlson and CHF 2500.- for case 2006/18 involving the horse Millar.
- 5) The PR shall contribute CHF 2000.- (1000.- for case 2006/05 and 1000.- for case 2006/18) towards the legal costs of the judicial procedure, and CHF 750.- towards the cost of the confirmatory analysis.

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 events through his NF: Yes

5.4 Any other: N/A

6. THE SECRETARY GENERAL OR HIS REPRESENTATIVE:

Date : 4 July 2007

Signature: 