



DECISION of the FEI TRIBUNAL

dated 11 May 2018

In the matter of

FÉDÉRATION EQUESTRE INTERNATIONALE ("FEI" or "the Claimant")

vs.

Mr. Matthew Wright ("Mr. Wright" or "the Respondent" or "the PR")

I. COMPOSITION OF PANEL

Dr. Armand Leone, one member panel

II. DESCRIPTION OF THE CASE FROM THE LEGAL VIEWPOINT

1. Articles of the Statutes/Regulations which are applicable:

Statutes 23rd edition, effective 29 April 2015 ("**Statutes**").

General Regulations, 23rd edition, 1 January 2009, updates effective 1 January 2016, and General Regulations, 23rd edition, 1 January 2009, updates effective 1 January 2017 ("**GRs**").

FEI Veterinary Regulations, 13th Edition 2015, effective 1 January 2016 ("**VRs**").

Internal Regulations of the FEI Tribunal, 2nd edition, effective 1 January 2012, and Internal Regulations of the FEI Tribunal, 3rd Edition, 2 March 2018 (Part I – 3.) ("**IRs**").

2. The relevant Legal Provisions:

Statutes Article 38.1: "Subject to Articles 38.2 and 38.4, the FEI Tribunal shall decide all cases submitted to it by or through the Secretary General, whether Appeals from or matters not otherwise under the jurisdiction of the Ground Jury or Appeal Committee. These



cases may be:

- (i) Any infringement of the Statutes, General Regulations, Sport Rules, or Procedural Regulations of a General Assembly or of violation of the common principles of behavior, fairness, and accepted standards of sportsmanship, whether or not arising during an FEI meeting or Event;
- (ii) Any issues of interpretation of the Statutes, General Regulations, and Sport Rules;
- (iii) Notwithstanding anything to the contrary in this Article, the FEI Tribunal may review and decide upon any matter involving abuse of horses."

GRs Article 161 – FEI Tribunal:

"1. The competence of the FEI Tribunal is defined in the Statutes (See Article 38).

2. The FEI Tribunal may impose the following penalties, or, where appropriate, delegate to the FEI Secretary General or the FEI Legal Department the ability to do so:

2.1 A Warning;

2.2 A fine in an amount commensurate with the gravity of the violation and, where applicable, in accordance with the fine schedule associated with the rule violated;

2.3 Disqualification of Athlete(s) and/or Horse(s) from Competitions or from Events;

2.4 Suspension of a body for any period;

2.5 Suspension of individuals and Horses for any period up to Suspension for life;

2.6 A Provisional Suspension or such other interim relief or conservatory measures as it sees fit pending its final determination of the matter."

GRs Article 169.6.4 – Penalties:

"Fraud of any kind, violence and other acts defined as criminal by the national law prevailing at the Event shall entail a fine of CHF 1,000.- to 15,000.- and/or a Suspension of a minimum of one (1) month up to life."



GRs Article 118 – Person Responsible:

- “1. The Person Responsible for a Horse has legal responsibility for that Horse, including responsibility under the GRs and the VRs and unless otherwise stated is liable under the Legal System (Chapter VIII).
2. It is the obligation of the Person Responsible and of every other person subject to the Statutes, GRs and Sport Rules to know the Statutes, GRs and relevant Sport Rules, and lack of such knowledge does not relieve these persons from liabilities under the Statutes, GRs and Sport Rules.
3. The Person Responsible shall be the Athlete who rides, vaults or drives the Horse during an Event, but the Owner and other Support Personnel including but not limited to grooms and veterinarians may be regarded as additional Persons Responsible if they are present at the Event or have made a relevant Decision about the Horse. In vaulting, the lunger shall be an additional Person Responsible.”

III. DECISION

1. The Parties

- 1.1 Mr. Wright (FEI ID: 10009344) is an eventing rider under the administration of the National Federation of Great Britain (the “**GBR-NF**”).
- 1.2 The FEI is the sole IOC recognised international federation for equestrian sport. The FEI is the governing body of the FEI equestrian disciplines (Dressage, Jumping, Eventing, Driving, Endurance, Vaulting, Reining, Para-Equestrian).

2. Factual Background

- 2.1 Mr. Wright was registered to take part with his horses THE ARTIST ALMOST FAMOUS (FEI ID: 104JE67) and MHS TWENTY TWENTY (FEI ID: 105GH55) (the “**Horses**”) at the CCI/CIC in Osberton, UK, from 28 September - 2 October 2016 (the “**Event**”).

3. Proceedings

On 3 May 2018, the FEI informed the Tribunal that the Parties had reached an Agreement in the context of the case *2016-03 FEI v Matthew Wright* and submitted the Agreement (together with the Case Summary, the Full Reasoning for the Agreement and the respective Annexes) to the Tribunal for approval and incorporation into a Decision of the Tribunal.

I – Case Summary (as provided to the Tribunal by the Parties as part of the Agreement referred to Article 4 below)

- "3.1 The PR were to take part with his horses THE ARTIST ALMOST FAMOUS and MHS TWENTY TWENTY (the "Horses") at the CCI/CIC in Osberton, UK, from 28 September - 2 October 2016 (the "Event"). As a member of the British Equestrian Federation (the "British NF"), the latter being a member of the FEI, the PR was bound by the FEI Rules.
- 3.2 It was reported to the FEI that the Veterinary Delegate who attended the Osberton CCI/CIC event from 28 September to 2 October 2016 spotted an issue with the vaccination recording.
- 3.3 By notification letter dated 22 May 2017, (Annex 1) the FEI informed Mr Matthew Wright in his capacity as the Person Responsible, and the British NF of an *alleged falsification of vaccination in passport*. The PR was requested to reply to allegations no later than 12 June 2017.
- 3.4 The PR submitted several statements on 13 June 2017. (Annex 2), which in summary explains that it is the groom who did the falsification.
- 3.5 The FEI takes any allegation of falsification and fraud very seriously and the FEI has no reason, at this point, to doubt the authenticity or veracity of the officials officiating at the Event."

II – Full Reasoning for the Agreement (as provided to the Tribunal by the Parties as part of the Agreement referred to Article 4 below)

- "4.1 Fraud is defined in the FEI General Regulations (GRs), (23rd edition 1 January 2009, updates effective 1 January 2017.)

"196. Penalties

6.4 *Fraud of any kind, violence and other acts defined as criminal by the national law prevailing at the Event shall entail a fine of CHF 1,000.- to 15,000.- and/or a Suspension of a*



minimum of one (1) month up to life."

- 4.2 In the Veterinary Report form the Event it is marked that: "*Matthew Wright passport vaccinations were not stamped correctly by a vet and batch numbers recorded. On further investigation it was discovered that injections in both passports had been added by the rider and falsified*".
- 4.3 With respect to the passport for 'MHS TWENTY TWENTY' issues were noted with the vaccination entry in the passport for the horse. The Veterinary Delegate reported that the signature next to the vaccination entry on 22.6.16 appears very similar to that in the entry of 7.9.16 of THE ARTIST ALMOST FAMOUS. The veterinary stamp used on this occasion has the name of the veterinarian crossed out and in addition, the veterinary practice of Hall & Lawrence is no longer in existence in that name and would not have been on 22.6.16. Again there is no batch number entered. In this passport, the Ali Butler's name has been used, and this is not her signature, which has been confirmed by her. For this horse the PR supplied letters and a printout of the clinical records from the vet who vaccinated the horse originally.
- 4.4 With respect to the passport for 'THE ARTIST ALMOST FAMOUS' the passport is in a very poor state and the vaccination entry dated 7.9.16 has no batch number and no veterinary stamp. The PR was unable to produce supporting documentation for this horse.
- 4.4 According to the FEI officials Mr Wright admitted at the time of the Event to have written the details in the passports in a meeting with Alison Buttler (Veterinary Delegate), Howard Newitt (Assistant Veterinary Delegate) and Simon Bere (TD). Mr Wright also withdrew his horses from the competition.
- 4.5 Mr Wright on the other hand, has now a different version of the incident where he claims that the groom Mr Lukasz Orywal did the falsification. (See PR submission)
- 4.6 The FEI takes any allegation of falsification and fraud very seriously, and can only conclude the following:
 1. The Person Responsible (PR) shall be the Athlete who rides, the horse. PRs are strictly liable and responsible for their Horse(s) at all times. PRs must ensure that they and their Horse(s) are in compliance with all aspects of these VRs, including, but not limited to: Horse Passports, including horse identification



information, microchip details and FEI validation stickers, in accordance with the GRs and these VRs, Equine Influenza and GnRH vaccination status, in accordance with these VRs. PRs must also ensure that their grooms and other authorised persons with access to their Horse(s) are, as a minimum, familiar with the security and stewarding procedures and the EADCMRs. PRs must acknowledge that all of their Support Personnel are subject to these VRs, the EADCMRs, and all other applicable rules by virtue of their presence at the Event. (Article 1002 VRs)

2. There has been two falsifications of the official FEI passports of two horses. The falsifications are done with a stamp of an old veterinary clinic that no longer exists and with the signature of a veterinarian who did not do the vaccination, hence it is a serious falsification. Also the PR has admitted the falsifications in a meeting with the FEI officials.
 3. The FEI consider all falsifications as very serious violations. This is reflected in the sanction applicable to fraud and shall entail a fine of CHF 1'000.- to 15'000.- and/or a Suspension of a minimum of one (1) month up to life.
- 4.7 From a FEI perspective, it does not matter if it was the PR or the groom who actually did the falsification, since regardless the PR is responsible and regardless there is still two falsifications. The PR is responsible for the documentation of his horses and also for his support personnel and it is the PR's responsibility to provide the correct documentation for the horses he competes.
- 4.8 This case was a bit particular since firstly, Mr Wright admitted that he falsified the passports in a meeting with the FEI officials (according to notes from the officials). After the notification of alleged falsification of the passports, he came back with explanations that the falsifications actually were made by his groom Mr Lukasz Orywal. Hence, there are two different versions of how it came about. This makes it difficult to provide strong evidence to impose a sanction. Mainly since the groom is not registered with the FEI and it would therefore be difficult to impose a sanction on the groom.
- 4.9 The FEI is of the opinion that there is still two falsifications of the Horses passports regardless of who did it, and the responsibility for the horses and their passports lies with Mr Wright. The FEI takes any falsification very seriously and in case of such violations the message



to the equestrian community must be crystal clear, it cannot be so that one can get away without any sanction only by blaming the falsifications on a third person. Especially since in this case, it is confirmed that there are two falsifications of the passports. The rule is clear, the person responsible for the horses and their passports is at all time the rider, Mr Wright.

- 4.10 The minimum sanction that can apply in cases of falsification is 1'000 CHF. The Veterinary Regulations also provides for passport irregularities with a 500 CHF fine. Following the above the Parties has agreed to that there is two falsifications of the FEI passports and Mr Wright has accepted a sanction of 1'500 CHF fine to be imposed in the case at hand."

4. Agreement between Parties

On 3 May 2018, the Parties reached the following Agreement, based on the facts as detailed above:

*** Quote***

- 5.1 All capitalised terms used in this Agreement but not defined herein shall have the meaning ascribed to such term in the the FEI General Regulations. ("GR Rules")
- 5.2 In the matter of the alleged falsifications of FEI passports, by Mr Matthew Wright, including the horses THE ARTIST ALMOST FAMOUS and MHS TWENTY TWENTY (the "Horses") at the CCI/CIC in Osberton, UK, from 28 September - 2 October 2016 (the "Event"), Mr Matthew Wright (the "PR") and the Fédération Equestre Internationale (the "FEI" and together with the PR, the "Parties") agree, to enter in an Agreement between Parties, on the following:
- 1) **Violation:**
The falsifications of two FEI passport constitutes a violation of Article 169.6.4 of the GR Rules.
 - 2) **Sanction:**
The Parties agree that the appropriate sanction to be imposed on the PR in the matter is a fine of 1'500 CHF.
Each of the Parties shall bear their own legal costs.



3) **Full Settlement and Resolution:**

This agreement resolves and settles all outstanding matters between the FEI and the PR, Mr Matthew Wright including the horses THE ARTIST ALMOST FAMOUS and MHS TWENTY TWENTY (the "Horses") at the CCI/CIC in Osberton, UK, from 28 September - 2 October 2016 (the "Event").

Accordingly, any and all other claims for relief that any party might otherwise have made against another in relation to the subject-matter of these proceedings are released and discharged unconditionally, and they may not be pursued in any form hereafter.

4) **Right of Appeal:**

This Agreement will constitute the decision for this case. Consequently it will be communicated to the Parties with a right of appeal in accordance with Article 165 of the GR Rules.

5) **Public Disclosure:**

All final decisions of the FEI Tribunal is published on the FEI website.

End Quote

5. Jurisdiction

- 5.1 The Tribunal has jurisdiction over the matter pursuant to the Statutes, GRs and IRs.
- 5.2 Mr. Wright as a member of the GBR-NF, the latter being a member of the FEI, was bound by the FEI Rules. Moreover, Mr. Wright, as the Person Responsible for the Horses, had legal responsibility for the Horses, including responsibility under the GRs and the VRs.
- 5.3 Further, Article 23.2 of the IRs allows for settlement agreements between parties. These settlement agreements shall be submitted to the Tribunal for approval and, where approved by the Tribunal, such agreement shall be considered as a Decision.
- 5.4 As a result, the Tribunal finds that it has jurisdiction to issue this Decision.

6. Approval of Agreement

- 6.1 Having reviewed the Case Summary, the Full Reasoning for the



Agreement and terms of the Agreement, the Tribunal is satisfied that the Agreement constitutes a *bona fide* settlement of the present case.

- 6.2 Furthermore, the Tribunal finds the sanctions agreed by the Parties proportionate to the rule violations committed by the Respondent.
- 6.3 In accordance with the mutual consent of the Parties, the Tribunal hereby directs the Parties to fully comply with all the terms of the Agreement as set forth in Article 4 above. Further, this Decision shall terminate the present case *2016-03 – FEI v Matthew Wright*.

7. Decision

- 1) The Tribunal rules that the Agreement executed by the FEI and the Respondent, Mr. Matthew Wright, concerning the case *2016-03 – FEI v Matthew Wright* is hereby ratified by the Tribunal with the consent of the Parties and its terms are incorporated into this Decision.
- 2) According to Article 168 of the GRs, this Decision is effective from the date of oral or written notification to the affected party or parties.
- 3) According to Articles 165.1.3 and 165.6.1 of the GRs, this Decision can be appealed before the Court of Arbitration for Sport (CAS) within twenty-one (21) days of the present notification.

IV. DECISION TO BE FORWARDED TO:

- a. **The Parties: Yes**
- b. **Any other: No**

FOR THE PANEL

A handwritten signature in black ink, appearing to read 'Armand Leone', written in a cursive style.

Dr. Armand Leone, one member panel