



## **DECISION of the FEI TRIBUNAL**

**dated 30 August 2018**

**Positive Anti-Doping Case No.:** 2017/BS25

**Horse:** SHINERS CHIC    **FEI Passport No:** 103DF20

**Person Responsible/NF/ID:** Jessica Sternberg/GBR/10055844

**Event/ID:** CRI3\* Katy Texas (USA)/2017\_CI\_1480\_R\_S\_01

**Date:** 20 – 21 April 2017

**Prohibited Substance:** Stanozolol

### **I. COMPOSITION OF PANEL**

Mr. Henrik Arle (FIN), chair  
Mr. Chris Hodson QC (NZL), member  
Mr. Laurent Niddam (HUN), member

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

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

Statutes 23<sup>rd</sup> edition, effective 29 April 2015 ("**Statutes**"), Arts. 1.4, 38 and 39.

General Regulations, 23<sup>rd</sup> edition, 1 January 2009, updates effective 1 January 2017, Arts. 118, 143.1, 161, 168 and 169 ("**GRs**").

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

FEI Equine Anti-Doping and Controlled Medication Regulations ("**EADCMRs**"), 2<sup>nd</sup> edition, effective 1 January 2016.

FEI Equine Anti-Doping Rules ("**EAD Rules**"), 2<sup>nd</sup> edition, effective 1



January 2016.

Veterinary Regulations (“**VRs**”), 13<sup>th</sup> edition 2015, effective 1 January 2017, Art. 1055 and seq.

FEI Code of Conduct for the Welfare of the Horse.

**2. Person Responsible:** Ms. Jessica Sternberg.

**3. Justification for sanction:**

**GRs Art. 143.1:** “Medication Control and Anti-Doping provisions are stated in the Anti-Doping Rules for Human Athletes (ADRHA), in conjunction with The World Anti-Doping Code, and in the Equine Anti-Doping and Controlled Medication Regulations (EADCM Regulations).”

**GRs Art. 118.3:** “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.”

**EAD Rules Art. 2.1.1:** “It is each *Person Responsible's* personal duty to ensure that no *Banned Substance* is present in the *Horse's* body. *Persons Responsible* are responsible for any *Banned Substance* found to be present in their *Horse's Samples*, even though their *Support Personnel* will be considered additionally responsible under Articles 2.2 – 2.8 below where the circumstances so warrant. It is not necessary that intent, fault, negligence or knowing *Use* be demonstrated in order to establish an *EAD Rule* violation under Article 2.1.”

**EAD Rules Art. 7.6.1:** “At any time during the results management process the *Person Responsible* and/or member of the *Support Personnel* and/or *Owner* against whom an *EAD Rule* violation is asserted may admit that violation at any time, waive a hearing and may agree with the FEI on the Consequences that are mandated by these *EAD Rules* or (where some discretion as to Consequences exists under these *EAD Rules*) that have been offered by the FEI. The agreement shall be submitted to the FEI Tribunal for approval and, where approved by the *FEI Tribunal*, the final agreement shall state the full reasons for any period of *Ineligibility* agreed, including (if applicable), a justification for why the flexibility in *Sanction* was



applied. Such agreement shall be considered as a decision for the case and will be reported to the parties with a right to appeal under Article 12.2.2 and published as provided in Article 13.3.”

**EADCMRs APPENDIX 1 – Definitions:**

“Fault. Fault is any breach of duty or any lack of care appropriate to a particular situation. Factors to be taken into consideration in assessing an Person Responsible and/or member of the Support Personnel’s degree of Fault include, for example, the Person Responsible’s and/or member of the Support Personnel’s experience, whether the Person Responsible and/or member of the Support Personnel is a Minor, special considerations such as impairment, the degree of risk that should have been perceived by the Person Responsible and/or member of the Support Personnel and the level of care and investigation exercised by the Person Responsible and/or member of the Support Personnel in relation to what should have been the perceived level of risk. In assessing the Person Responsible’s and/or member of the Support Personnel’s degree of Fault, the circumstances considered must be specific and relevant to explain the Person Responsible’s and/or member of the Support Personnel’s departure from the expected standard of behaviour. Thus, for example, the fact that the Person Responsible would lose the opportunity to earn large sums of money during a period of Ineligibility, or the fact that the Person Responsible only has a short time left in his or her career, or the timing of the sporting calendar, would not be relevant factors to be considered in reducing the period of Ineligibility under Article 10.5.1 or 10.5.2.”

“No Fault or Negligence. The Person Responsible and/or member of the Support Personnel establishing that he or she did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he or she had administered to the Horse, or the Horse’s system otherwise contained, a Banned or Controlled Medication Substance or he or she had Used on the Horse, a Banned or Controlled Medication Method or otherwise violated an EAD or ECM Rule. Except in the case of a Minor, for any violation of Article 2.1, the Athlete must also establish how the Prohibited Substance entered his or her system.”

“No Significant Fault or Negligence. The Person Responsible and/or member of the Support Personnel establishing that his fault or negligence, when viewed in the totality of the circumstances and taking into account the criteria for No Fault or Negligence, was not



significant in relationship to the EADCM Regulation violation. Except in the case of a Minor, for any violation of Article 2.1 of the EAD Rules, the Athlete must also establish how the Prohibited Substance entered his or her system.”

### **III. DECISION**

#### **1. Parties**

- 1.1 The Person Responsible (“**PR**”), Ms. Jessica Sternberg, is a reining rider who has represented Great Britain.
- 1.2 The Fédération Equestre Internationale (the “**FEI**” and together with the PR, the “**Parties**”), 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. Procedural background**

- 2.1 On 26 September 2017, upon request by the PR for a hearing to be held in person in November 2017, the FEI Tribunal Chair nominated a panel to hear and adjudicate the present. Both parties expressly confirm not having any objections to the constitution of the panel.
- 2.2 Thereafter, upon request by the PR, the hearing was cancelled.

#### **3. Further proceedings**

On 17 August 2018, the FEI informed the Tribunal that the Parties had reached an agreement in the context of the case 2017/BS25 – SHINERS CHIC (together with the Case Summary and the Full Reasoning for the Agreement, as well as the Annexes outlined throughout this Decision) to the Tribunal for approval and incorporation into a Decision of the Tribunal in accordance with Article 7.6.1 of the EAD Rules.

*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 took part with her horse SHINERS CHIC (the “Horse”) at the CRI3\* - Katy TX (USA) Event on 20-21 April 2017 (the “Event”). As a



member of the British Equestrian Federation, (the "BEF"), the latter being a member of the FEI, the PR was bound by the EAD Rules.

- 3.2 The Horse was selected for testing on 21 April 2017. The resulting samples were transported to the FEI approved U.S. Equestrian Federation Equine Drug Testing and Research Laboratory in Lexington KY, USA (the "USEF") for analysis.
- 3.3 By notification letter dated 5 July 2017 the FEI informed Ms. Jessica Sternberg, in her capacity as the Person Responsible, and the BEF, of an alleged violation by Ms. Jessica Sternberg, of Article 2.1 (*The Presence of a Controlled Medication Substance or its Metabolites or Markers in a Horse's Sample*<sup>1</sup>) of the EAD Rules. In accordance with Article 7.4.1 of the EAD Rules, the FEI provisionally suspended the PR from all competition as of 5 July 2017. The Horse was also provisionally suspended from the same date for two (2) months, until 4 September 2017.
- 3.4 Stanazolol is an anabolic steroid that is used to improve performance by promoting muscular development. This substance is classified as a *Banned Substance* under the FEI Equine Prohibited Substances List. A positive finding for Stanazolol constitutes a *prima facie* Equine Anti-Doping Rule violation.
- 3.5 On 14 July 2017 – only nine days after notification of the positive test result - the PR declined her right to a Preliminary Hearing, declined her right to have a confirmatory, "B Sample" analysis conducted, and admitted the violation. The PR specifically admitted that Shiners Chic competed on 21 April 2017 after having been administered the Banned Substance Stanazolol, but advised that she was unaware at the time that the horse had been administered this substance. The PR explained that, for this reason, she would seek a reduction of sanctions based on degree of fault. (Exhibit 1)
- 3.6 On 6 September 2017, the PR submitted her full explanations in the case. (Exhibit 2) The PR's submission, which she signed personally, also included signed statements and letters from multiple witnesses, including the individual who administered the Banned Substance to the Horse.
- 3.7 Among other things, the PR's submission advised of the following:
  1. After the receipt of notification letter, the PR and her mother investigated the matter, and determined that in fact the Horse had been administered a Banned Substance, and identified the source of that banned substance. Upon making these determinations, the PR promptly admitted an anti-doping rule violation.

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<sup>1</sup> Note: Article 2.1 of the EAD Rules refers to the Presence of a Banned Substance and/or its Metabolites or Markers in a Horse's Sample, such as in the present case.



2. The banned substance, Stanozolol, was administered to the Horse by a licensed veterinarian, Dr. John McCarroll, by injection on April 7, 2017. Dr. McCarroll administered Stanozolol to the Horse without being asked to do so and without advising anyone associated with the Horse that he had done so.

3. The PR recognizes that as a Person Responsible, she bears ultimate responsibility for any horse that she shows. She also recognizes that if a horse that she brings into the ring was administered a substance by someone to whom she indirectly entrusted that horse, then some level of negligence must be attributed to her.

4. Hence, she does not ask for a finding of no fault and negligence but rather of no significant fault and negligence.

5. The PR did not suggest, request, or know that Shiners Chic was going to be administered Stanozolol or that in fact Shiners Chic had received Stanozolol. Moreover, she does not and did not simply turn a blind eye to whether her horses were being "prepared" for her in a manner that included Banned Substances. Rather, her regular practice, which she followed here, was to expressly inquire whether horses she was showing had been cared for in compliance with all regulations before she took a horse in the ring, so that she was confident that she did not violate any rule. Here, her fault (or negligence) was merely that she trusted the responses that she received and did not ask to specifically review veterinary records or speak to the veterinarian herself.

6. The PR is a 27 year old university graduate, who works in her family's (non-equestrian) business. She is not a professional and she is far from a full-time rider. She rides in at most approximately six horse shows per year. She resides in London (UK), and as a consequence she must entrust to others the care of the horses she rides, which are in the United States.

7. The Horse was and is stabled in Texas (USA) at Sterling Ranch, which is owned by the PR's mother, Rosanne Sternberg. In addition to stabling several horses, Sterling Ranch operates a substantial program for breeding American Quarter Horses. At any given time, Sterling Ranch is the home to more than 160 horses.

8. The PR spends little time in the US, usually just a few weeks per year. When she is in the US, she rides multiple horses from the Ranch.

9. The PR's mother spends the majority of her time outside the US. Thus, neither the PR nor the PR's mother manages the day-to-day care of the horses at the Ranch.

10. The day-to-day care of the horses at Sterling Ranch is handled by



the Ranch Manager, Mr. Sean Pulley, (Exhibit 2, p. 18). Mr. Pulley manages the entire operations, arranges for veterinary care and also brings the horses to the vet when necessary. Mr. Pulley is one of the witnesses who submitted a signed statement with the PR's packet of materials.

11. As the April Event approached, Mr. Pulley wanted to have the horses that would be going to the Event examined to make sure they were fit to compete. For many years, Sterling Ranch has regularly used the services of Dr. Alan Donnell for the majority of its needs, and it has used almost exclusively his services for its competition horses. Because Sterling Ranch is home to so many horses, it has also used the services of other veterinarians through the years, and Dr. McCarroll was one such veterinarian. Until recently, however, Dr. McCarroll did not provide regular care for the competition horses at Sterling Ranch.

12. Dr. Donnell was not available when Mr. Pulley wanted to take the horses to the veterinarian in advance of the Event. Thus, Mr. Pulley took the horses, including Shiners Chic, to Dr. McCarroll on 7 April 2017.

13. Mr. Pulley expected that the only treatment that Shiners Chic would receive from Dr. McCarroll was an injection of Platelet Rich Plasma, or "PRP." This was intended to ease minor arthritis that Shiners Chic had in his front fetlocks. Mr. Pulley is certain that he was not told that Dr. McCarroll was going to inject Shiners Chic with Stanazolol. Indeed, Dr. McCarroll, who also submitted a signed statement, concedes that he did not tell Mr. Pulley that he was going to do this treatment.

14. The PR arrived at Sterling Ranch on 9 April 2017. When she arrived at Sterling Ranch, she met with Mr. Pulley, as she always does, and she asked him whether Shiners Chic or the other horses she would be riding in competition had received any medication or treatment that required disclosure or was prohibited. Mr. Pulley advised the PR that none of the horses had received any such medication, and she trusted him on this information. It was reasonable for the PR to trust Mr. Pulley, who had as of that time worked for Sterling Ranch for 17 years. The PR and her mother have entrusted Mr. Pulley to oversee the care of her competition horses since the PR was a youth rider, for over 12 years, without any incident. Mr. Pulley is also very knowledgeable about the FEI regulations, having assisted the PR in FEI classes since 2010 and having assisted the PR's mother in FEI classes as far back as 2002.

15. It is understandable that the PR trusted in Mr. Pulley to carry out the daily care for the horses, since he has done so without any incident for the past 17 years. He has ultimately been responsible for the daily care and welfare of the 160 horses stabled at the Ranch. He has



further been in charge of bringing the horses to the veterinarian when needed. Further, Mr. Pulley had used the same veterinarians for many years, normally Dr. Donnell and sometimes also Dr. McCarroll. He presumed that on the day of the incident, the Horse was to get PRP (Platelet Rich Plasma) treatment, since it had a joint soreness, and that is what both Dr Donnell and Dr McCarroll had done at other times with this diagnosis. Therefore, he did not ask or check any further if this was the case. Further, Dr McCarroll did not inform him of the treatment given to the Horse.

16. Mr. Pulley generally tries to talk with the veterinarian when Mr. Pulley brings horses in, but it is not always possible for him to do so. He is uncertain whether or not he spoke with Dr. McCarroll on 7 April 2017, but he surmises that he likely did not because Mr. Pulley would have gone over the treatment each horse was getting, and Mr. Pulley is certain that he was unaware that Shiners Chic was receiving Stanazolol.

17. Neither Jessica Sternberg (PR) nor her mother had any idea that Dr. McCarroll injected Shiners Chic with Stanazolol until after the notification by FEI, since Dr. McCarroll did not inform any of them of the treatment given to the Horse.

18. The veterinarian Dr. McCarroll, explains in his statement (Exhibit 2, p. 15), that

*"Nobody was trying to seek a competitive advantage or do anything that would harm the welfare of the horse. To the contrary, my goal is always to enhance the welfare of a horse, and I must have believed that Shiners Chic would benefit from Stanazolol, as it had joint soreness as reflected in my records."* He therefore injected the Horse with Stanazolol.

19. The PR submitted several witness statements supporting her good character, (Exhibit 2, p. 25) from among others, Mr Simon Barnes – Chairman of British Reining, Mr Adam Heaton – FEI Reining Judge, Steward and former Chef d'Equipe, and Bernard and Ann Fonck, longstanding members of international teams who have competed in multiple FEI events. These witnesses attest that that they have known the PR for many years, that she is a pro-animal rights vegetarian, for whom health and welfare of her horses is paramount, and that she must have been completely unaware of that her horse was administered a Banned Substance.

20. Mrs Rosanne Sternberg the PR's mother, explains among other things that: *"I have owned reining horses as well as competed in reining events for 30 years. I have a deep interest in the health and welfare of horses and in the fairness of horse sports. I am a member of the Executive Committee of the National Reining Horse Association (NRHA), where I have helped develop the NRHA medication policies and fully advocate its strict implementation. I would never knowingly*





*permit a horse of my own or of anyone over whom I have any influence to compete after being subject to a banned substance. It is an enormous embarrassment to me that this incident has occurred. It is even more disappointing and distressing that it happened to a horse that my daughter rides in competition. As the owner of this horse, the ranch and the employer of the Ranch Manager, Sean Pulley, who had direct responsibility for the horse and its care, I blame myself for failing my daughter and for the resulting situation.” (Exhibit 2, p. 13)*

21. The PR has also endorsed and supported the drug policies adhered to by the Quarter Horse Associations and in particular the NRHA, which her own mother, Rosanne Sternberg helped draft in her capacity as a member of the Executive Board, Drug Committee. She advocates strongly for the continuation of strict drug policies and would never request her horse be given banned or performance enhancing substances, nor knowingly condone the use of these.

22. The PR submits that the degree of negligence here should be compared to situations where positive test results are caused by lack of care in feeding horses, by misjudgements in the administration of substances at what are assumed to be "safe" withdrawal times and of course to situations where doping is intentional. By comparison to such scenarios, PR's degree of negligence is considerably more minimal.

23. The PR does not challenge the propriety of sanctions in this case. She does, however, respectfully submit that the sanctions imposed should reflect her degree of blameworthiness for this infraction. This is the first time that she has ever been accused of violating a rule. She did not intend to violate a rule, and she had no reason to suspect that she might be violating a rule. Any period of suspension that the PR receives should be reduced not just by her relative degree of negligence, but also because she very promptly admitted to the violation once she was informed of the charge and was able to review the underlying facts.

3.8 Further, the PR submits that the sanctions imposed on her have already had a major impact. She has already served more than a full year's provisional suspension. The imposition of this suspension by the FEI (which the PR does not challenge) resulted in reciprocal action of her suspension by the American Quarter Horse Association (AQHA). This, in turn, meant that the PR could not show at the 2017 AQHA World Championship Show. Further, in the United Kingdom, Europe and the USA, there were several shows scheduling CRI classes, and in usual circumstances the PR would have participated in certain of these classes as part of her quest to meet the criteria for selection for the 2018 World Equestrian Games (WEG). Following the FEI ruling, this was not possible during 2017 and 2018 and the PR has been unable to submit herself for consideration as a member of the British Reining Team attending the 2018 WEG.”

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

“4.1 According to Article 10.2 of the EAD Rules, the period of ineligibility imposed for the violation of Article 2.1 shall be two (2) years, subject to potential reduction or suspension pursuant to Articles 10.4, 10.5 or 10.6 of the EADR. A fine of up to CHF15,000 shall also be imposed and appropriate legal costs.

4.2 Article 10.4 of the EAD Rules states: *“If the Person Responsible and/or member of the Support Personnel (where applicable) establishes in an individual case that he/she bears No Fault or Negligence for the EAD Rule violation, the otherwise applicable period of Ineligibility and other Sanctions (apart from Article 9) shall be eliminated in regard to such Person. When a Banned Substance and/or its Metabolites or Markers is detected in a Horse’s Sample in violation of Article 2.1 (presence of a Banned Substance), the Person Responsible and/or member of the Support Personnel (where applicable) must also establish how the Banned Substance entered the Horse’s system in order to have the period of Ineligibility and other Sanctions eliminated. In the event this Article is applied and the period of Ineligibility otherwise applicable is eliminated, the EAD Rule violation shall not be considered a violation for the limited purpose of determining the period of Ineligibility for multiple violations under Article 10.8 below...*

*Otherwise Article 10.4 only applies in exceptional circumstances. No Fault or Negligence does not apply in the following circumstances:*

*(b) the Administration of a Banned Substance by the Person Responsible’s veterinary personnel or member of the Support Personnel without disclosure to the Person Responsible. Persons Responsible are responsible for their choice of veterinary personnel and Support Personnel and for advising veterinary personnel and Support Personnel that Horses cannot be given any Banned Substance at any time.”*

4.3 Based on the rule above the FEI concludes that Article 10.4 EAD cannot be applied in the case at hand.

4.4 The FEI has proceeded to evaluate the level of Fault and Negligence of the PR. The PR has not demonstrated that she exercised utmost caution to avoid a positive test, but the FEI is however satisfied that the PR demonstrated that she bore No Significant Fault or Negligence when viewed in the totality of the circumstances, since she had procedures in place in order to prevent positive findings, she worked with people she trusted for 17 years i.e. Mr Pulley, as well as using the same veterinarians that was always used at the Ranch over the past years. She could not have expected nor known that one of those veterinarians all of a sudden would inject the Horse with Stanazolol.

- 4.5 The FEI takes note that the PR is a person with the highest integrity and opposes the use of drugs for horses or riders to gain any competitive advantages. She puts the horses' welfare before winning any competition and the health and welfare of the horses she is riding and she would rather withdraw a horse from competition than put undue pressure on it. She is a pro-animal rights person and, in fact, is a committed vegetarian. She advocates strongly for the continuation of strict drug policies and she would never request her horse be given banned or performance enhancing substances, nor knowingly condone the use of these. Several people have witnessed the PR's thorough and rigorous behaviour in relation to her horses' welfare and knowledge about the rules.
- 4.6 The PR had several procedures in place to avoid a positive test, as example, she met with Mr. Pulley to go through whether Shiners Chic or the other horses she would be riding in competition had received any medication or treatments that required disclosure or was prohibited. Mr. Pulley advised her that none of the horses had received any such medication, and she trusted him, which was reasonable due to their long term cooperation and since Mr. Pulley is also very knowledgeable about the FEI regulations. When the PR asked Mr. Pulley at the time in question what medication or treatments had been given to horses she would be riding, he advised that Shiners Chic had undergone PRP and IRAP, which the PR understood were part of the Horse's ongoing maintenance program and which are completely appropriate and permissible treatments. As a previous WEG team member (for Great Britain), the PR is and was aware of the strict FEI rules regarding Banned Substances and as such she researches new supplements or treatments in the FEI database in the event that any new supplements or treatments are suggested for or given to horses that she rides. In this instance, however, when the PR inquired of the person she trusted, the PR was alerted to nothing out of the ordinary and she therefore did not know that Shiners Chic had been administered a Banned Substance. It was extremely shocking and distressing to the PR when she ultimately learned that this horse, which she had teamed with and shown for years, had been given such a substance – and even more so that this occurred without her request or permission.
- 4.7 The PR has advised the FEI that she has implemented steps to ensure that a matter of this nature cannot be repeated. The PR will always personally check the records of any veterinarian caring for any horse that she shows. She has added the FEI app to her telephone so that she can cross-reference medications that may be administered to such horses. She has learned a costly and painful lesson that she cannot rely on even long-trusted individuals in order to ascertain the condition and treatment of horses that she rides. She will never do so again.
- 4.8 The FEI does not doubt the fact that the PR is a very good person with good intentions in relation to her horses, who is in a very difficult



situation. The FEI has duly considered the facts and circumstances of the case and is satisfied that the PR has fulfilled the requirements for No Significant Fault and Negligence for the rule violation.

- 4.9 The FEI is also satisfied that the PR has proven how the Prohibited Substance entered the body of the Horse through an injection by the veterinarian Dr. McCarroll. The FEI is thus satisfied that the requirement of establishing how the Prohibited Substances entered the Horse's system has been fulfilled.
- 4.10 The FEI is satisfied that the criteria for the application of Article 10.5.2 of the EAD Rules had been met in that (i) the PR has established how the Prohibited Substances came to enter the Horse's system, (ii) the PR has demonstrated that she bore No Significant Fault or Negligence and (iii) the circumstances of the case are exceptional and that, the otherwise applicable period of Ineligibility (i.e. two (2) years) should be reduced to seventeen (17) months period of ineligibility for the PR, starting from the date of the notification.
- 4.11 In addition, the Disqualification of the Horse's results at the Event in accordance with Article 9, 10.1.4 and 11 of the EAD Rules should apply.
- 4.12 Article 10.2 of the EAD Rules provides that a Person Responsible for an Articles 2.1 violation should also be fined up to CHF 15,000 '*unless fairness dictates otherwise*' and should be ordered to pay '*appropriate legal costs*'. The FEI respectfully submits that fairness does not dictate that no fine be levied in this case, and duly requests that a fine of 3 000 CHF be imposed on the PR, and that the PR be ordered to pay the legal costs of 1 000 CHF that the FEI has incurred in pursuing this matter."

#### **4. Agreement between Parties**

On 17 August 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 Equine Anti-Doping and Controlled Medication Rules ("EADCM Rules")
- 5.2 In the matter of the Adverse Analytical Finding related to the samples, which were collected from Ms. Jessica Sternberg's horse SHINERS CHIC (the "Horse") at the CRI3\* in Katy TX (USA) Event from 20-21 April 2017, (the "Event"), Ms. Jessica Sternberg (the "PR") and the Fédération Equestre Internationale (the "FEI" and together with the PR, the "Parties") agree, in accordance with Article



7.6.1 (*Agreement between Parties*) of the EAD Rules, on the following:

- 1) The **Presence of a Banned Substance** in the Horse's sample constitutes a violation of Article 2.1 of the EAD Rules.
- 2) **Ineligibility Period:**  
The Parties agree that the prerequisites for Article 10.5 of the EAD Rules (*Reduction of the Period of Ineligibility based on No Significant Fault or Negligence*) are fulfilled in the case at hand and that the applicable period of Ineligibility shall be seventeen (17) months, starting on the date of sample collection, 21 April 2017.
- 3) **Provisional Suspension of the Horse:**  
The PR has not contested the Provisional Suspension imposed on the Horse and therefore accepts that it remained in place until 4 September 2017.
- 4) **Disqualification of Results:**  
In accordance with Articles 9 and 10.1.4 of the EAD Rules, all the results achieved by the PR with the Horse at the Event are disqualified, including forfeiture of medals, points and prizes.
- 5) **Full Settlement and Resolution:**  
This agreement resolves and settles all outstanding matters between the FEI and the PR, Ms. Jessica Sternberg, including the horse SHINERS CHIC.  
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.
- 5) **Fine and Legal Costs:**
  - (a) The PR shall contribute with a fine of 3 000 CHF and the legal costs of 1 000 CHF.
  - (b) No further Sanctions than those mentioned in this agreement should apply to the PR in relation to the above mentioned cases.
  - (c) Each of the Parties shall bear their own legal costs.
- 6) **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 12.2 of the EAD Rules.
- 7) **Public Disclosure:**  
This agreement is subject to approval of the FEI Tribunal, who will issue a final decision in the case. All final decisions of the FEI Tribunal are published on the FEI website.

\*\*\*End Quote\*\*\*



## **5. Jurisdiction**

- 5.1 The Tribunal has jurisdiction over this matter pursuant to the Statutes, the GRs and the EAD Rules.
- 5.2 As a member of the Great Britain National Federation, the latter being a member of the FEI, the PR was bound by the EAD Rules.
- 5.3 Further, Article 7.6.1 of the EADCMRs allows for agreements between parties.
- 5.4 As a result, the Tribunal finds that it has jurisdiction to issue this Decision.

## **6. Approval of Agreement**

- 6.1 The Tribunal has reviewed the Case Summary, the Full Reasoning for the Agreement and terms of the Agreement.
- 6.2 The Tribunal has taken note that the substance in question, *i.e.*, Stanzolol, is a Banned Substance, and thus a substance which should never be administered to any competition horse, such as the Horse in the case at hand.
- 6.3 It is each Person Responsible's personal duty to ensure that no Banned Substance is present in the Horse's body at any time. In line with its previous decisions, the Tribunal finds that this personal duty includes that Persons Responsible are aware of and/or investigate any (type of) treatments given to the horses by their support personnel, including veterinarians.
- 6.4 Taking into consideration the specific circumstances in the present case, including that the PR promptly admitted the rule violation, the FEI has accepted that sufficient criteria for the reduction of the otherwise applicable period of Ineligibility exist, and the Tribunal does not object to or disapprove the terms of the Agreement and is satisfied the Agreement constitutes a *bona fide* settlement of the present case.
- 6.5 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 2017/BS25 – SHINERS CHIC.

## **7. Decision**

- 1) The Tribunal rules that the Agreement executed by the FEI and the PR, Ms. Jessica Sternberg, concerning the case 2017/BS25 SHINERS CHIC is hereby ratified by the Tribunal with the consent of the Parties and its terms are incorporated into this Decision.
- 2) This Decision is subject to appeal in accordance with Article 12.2 of the EAD Rules. An appeal against this Decision may be brought by lodging an appeal with the Court of Arbitration for Sport (CAS) within twenty-one (21) days of receipt hereof.
- 3) This Decision shall be published in accordance with Article 13.3 of the EAD Rules.

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

- a. The Person Responsible: Yes**
- b. The President of the NF of the Person Responsible: Yes**
- c. The Organising Committee of the Event through his NF: Yes**
- d. Any other: No**

**FOR THE PANEL**



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**THE CHAIRMAN, Mr. Henrik Arle**