



DECISION of the FEI TRIBUNAL

dated 26 April 2018

In the matter of

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

vs.

Ms. Elena Wilson ("Ms. Wilson" or "the Respondent")

I. COMPOSITION OF PANEL

Mr. Henrik Arle, 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 2018 ("**GRs**").

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**").

FEI World Jumping Challenge – 2017 Rules ("**World Jumping Challenge Rules**")

Qualification System – Youth Olympic Games Buenos Aires 2018 – FEI Equestrian Jumping ("**YOG 2018 Qualification System**").

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:

"Acts defined as criminal by the relevant national law, fraud of any kind, and violence 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."



World Jumping Challenge Rules Article 4 – ORGANISATION:

“(...) 4.4 **Category A:** The Ground Jury must be composed of a President who must be an FEI Judge for Competitions 1 and 2. For Competition 3, the Ground Jury must be composed of a President (FEI Judge) plus an FEI Foreign Judge (minimum 2* Level - for Youth Olympic Games qualifiers, see article 9.2). If there is no FEI Judge in the country, the FEI Foreign Judge will act as the President of the Ground Jury with a panel of national judges. (...)”

4.6 The Judge’s Report must be completed and signed (an electronic signature is acceptable) by the FEI Foreign Judge for Competition 3 for Category A and by the FEI Judge President of the Ground Jury for Competitions 1 and 2 for Category A and for all 3 Competitions for Category B & C. (...)”

4.8 The FEI Foreign Judge must act as FEI Technical Delegate at the same time and make sure that all details in the course are in accordance with the published course plans.”

World Jumping Challenge Rules Article 9 – YOUTH OLYMPIC GAMES (YOG):

“9.1 The FEI World Jumping Challenge Category A will count as qualification for the 2018 YOG. NFs concerned wishing to host YOG qualifiers have to refer to the appropriate Qualification Rules and Procedures published on the FEI website (...)”

World Jumping Challenge Rules Article 10 – INFORMATION TO BE SENT TO THE FEI:

“10.1 TWO MONTHS prior to the competition:

A. CONFIRMATION OF COMPETITIONS DATES – before December 1st the year prior to the competitions.

B. NAME & STATUS OF PGJ (FEI JUDGE) FOR CATEGORY A, B & C (+ e-mail & mobile)

C. NAME & STATUS OF FEI FOREIGN JUDGE FOR CATEGORY A, Competition 3 only (+ e-mail & mobile)

Last minute changes are not allowed!! (...)”

III. DECISION

1. The Parties

- 1.1 Ms. Wilson (FEI ID 10050903) is an FEI Official under the administration of the Kazakhstan (KAZ) National Federation (the "**KAZ-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. Proceedings

On 23 April 2018, the FEI informed the Tribunal that the Parties had reached a Settlement Agreement in the context of the case *2018-03 FEI v Elena Wilson* and submitted the Agreement (together with the Case Summary, Rule Breaches and the Full Reasoning for the Agreement) 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 A FEI World Jumping Challenge Event held in Bishkek, Kyrgyzstan (KGZ) on 10 November 2017 (the "**Bishkek Event**") at which various Category A, B and C competitions were held. One of the competitions held as part of the Event was "Category A - Competition 3" – a 2018 Youth Olympic Games qualifier (the "**YOG Qualifier**").
- 3.2 According to the official results provided to the FEI, the YOG Qualifier was won by Andrey Tryapitsin. Consequently, Andrey Tryapitsin earned a quota place for the KGZ NOC at the Youth Olympic Games 2018 in Buenos Aires as his result placed him at the top of the YOG Rankings for the Asia region.
- 3.3 In early 2017, the FEI appointed the Respondent as the FEI Foreign Judge for the YOG Qualifier in accordance with the FEI World Jumping Challenge Rules 2017. As set out in Paragraph 1.7 above, it is a requirement of the FEI World Jumping Challenge Rules that a FEI Foreign Judge be present for Youth Olympic Games qualifying competitions. The reason for this is to have an independent person, i.e. someone who is not from the NF who organises the Event, on site



to ensure that the rules are respected. This is particularly relevant for the YOG Qualifier given its unique format whereby athletes compete in different venues, in different countries on different weekends but over the same course and are then ranked according to their respective results. The role of the Foreign Judge is to ensure that NFs do not try to boost their own athletes' chances of placing high in the ranking by deviating from the set course or by not recording the results accurately.

- 3.4 On 21 December 2017, Ms Wilson provided the FEI with a completed FEI Foreign Judge Report (containing her electronic signature), the results of the YOG Qualifier (also containing her electronic signature) and the Foreign Judge Report (also containing her electronic signature) (see Exhibits 3-5).
- 3.5 Based on the results of the YOG Qualifier provided by Ms Wilson, the FEI then updated the 2018 Youth Olympic Games rankings accordingly.
- 3.6 At the end of the 2018 Youth Olympic Games ranking period, the KGZ athlete, Andrey Tryapitsin results at the YOG Qualifier, placed him first in the FEI World Jumping Challenge rankings for the Asia region and accordingly, on 21 December 2017, the FEI informed the KGZ NOC that they had earned a quota place at the 2018 Youth Olympic Games (See Exhibit 6). The KGZ NOC confirmed their acceptance of the quota place on 8 January 2018. (See Exhibit 7).
- 3.7 On 19 February 2018, the FEI Secretary General, Sabrina Ibáñez, received an email from the Secretary General of the Kazakhstan Equestrian Federation (the "**KAZ NF**") (See Exhibit 8) attaching a letter, dated 16 February 2018, from the Respondent in which she, *inter alia*, stated that she had in fact not attended the Bishkek Event. Ms Wilson's stated reason for not attending the Bishkek Event was that she had issues obtaining a visa to enter KGZ (See Exhibit 9).
- 3.8 Further to receiving the above referenced email and attached letter, the FEI followed up directly with (i) Ms Ilvira Jogina, who acted as President of the Ground Jury of the Event, (ii) the Respondent; and (iii) the KGZ NF to seek their explanations on the matter (See Exhibits 10 - 12).
- 3.9 On 21 February 2018, Ms Elena Wilson replied to the FEI (see Exhibit 13) and confirmed that, indeed, she had not attended the Bishkek Event. Ms Wilson further confirmed, *inter alia*, that:



- Her contact in the KGZ NF was Ms Jogina.
- She had informed Ms Jogina, in advance of the Bishkek Event (in October 2017) that she would not be able to attend.
- Ms Jogina said they did not have time to find a replacement and that she would provide Ms Wilson with the reports after the Bishkek Event so that Ms Wilson could forward the results and the report to the FEI.
- She received the results and the report from Ms Jogina after the Bishkek Event and then forwarded them to the FEI.

3.10 On 22 February 2018, Ms Jogina, replied to the FEI's email (See Exhibit 14) and stated, *inter alia*,:

- Ms Wilson did not attend the Bishkek Event "*due to her unforeseen Visa problems that we had hoped would be settled till the last moment*".
- Ms Wilson had informed Ms Jogina about her visa issues at the end of October.
- In view of time constraints, the Organising Committee of the Bishkek Event Organizing committee took a decision to run the Bishkek Event competition without the presence of Ms Wilson, with her consent as they could not find any Foreign Judge to replace her in such a short period of time.
- It would have been disastrous for the KGZ to cancel the Bishkek Event and they hoped that Ms Wilson would resolve her visa issues.
- She informed the KGZ NF about the situation.
- Ms Wilson was not replaced on the Ground Jury and Ms Jogina was in charge for the Bishkek Event organisation and its compliance with the FEI Jumping Challenge Rules. Ms Jogina also acted as Technical Delegate (which is the second responsibility of the FEI Foreign Judge at FEI World Jumping Challenge events that are YOG Qualifiers).
- After the Bishkek Event, the results sheets, course plans, some pictures from the competitions were sent to Ms Wilson.
- Ms Jogina completed the FEI Foreign Judge Report and sent it to Ms Wilson who checked it, then she herself sent it to the FEI.

3.11 On 22 February 2018, the FEI received a further email from Ms Jogina,



this time in her capacity as Secretary General of the KGZ NF (See Exhibit 15). This email repeated many of the statements contained in her previous email and also confirmed that there was an earlier event held in Bishkek on 2-3 November 2017 at which Ms Wilson was due to act as FEI Foreign Judge and which she also did not attend. Ms Wilson submitted the official results and FEI Foreign Judge report for that earlier event also.

3.12 Based on the replies received from (i) Ms Jogina, (ii) Ms Wilson and (iii) the KGZ NF, the FEI determined that allowing the Bishkek Event to go ahead without the presence of a FEI Foreign Judge was a direct violation of the FEI Jumping Challenge Rules.

3.13 Therefore, on 26 February 2018, the FEI Secretary General wrote to the KGZ NF and informed them as follows:

- As the presence of a FEI Foreign Judge is a specific requirement for Youth Olympic Games qualifiers so that an independent person can confirm to the FEI that the competition was held in accordance with the rules.
- Given that such a confirmation was not possible in relation to the YOG Qualifier, the FEI could not accept the results; the FEI simply has no independent way of verifying that the YOG Qualifier took place in conformity with the FEI Rules and Regulations.
- In accordance with Article 112.3 of the FEI General Regulations (*"The Secretary General shall have the authority to remove any Competition and/or Event from the Calendar if justified circumstances relating to a Competition or the Event are established"*), the YOG Qualifier would be immediately removed from the FEI Calendar with the effect that all the results of the Event will be cancelled.
- Regrettably, one of the consequences of this action is that the YOG 2018 quota place, originally earned by Andrey Tryapitsin for the KGZ NOC, would be reallocated to the next eligible NOC in the rankings, according to the procedure set out in the YOG 2018 Qualification System.

3.14 The KGZ NF President replied to the FEI Secretary General's letter on 27 February 2018 and acknowledged that the revocation of the YOG 2018 quota place. (See Exhibit 17).



3.15 On 27 February 2018, the FEI Secretary General wrote to the President of the KGZ NOC to inform the KGZ NOC of the revocation of the quota place previously awarded to it. (See *Exhibit 18*)."

II – Rules Breaches (as provided to the Tribunal by the Parties as part of the Agreement referred to in Article 4 below)

"4.1 It is the position of the FEI that the Respondent's conduct was fraudulent and amounts to a serious breach of the FEI Rules and Regulations, and that Article 169.6.4 of the FEI General Regulations applies. Article 169.6.4 states: "*Acts defined as criminal by the relevant national law, fraud of any kind, and violence 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 Ms Wilson has stated that the reason for her non-attendance was that she had issues obtaining a visa to enter Kyrgyzstan. The FEI has not made further enquiries as to the veracity of this claim, since it is not central to the case. It is clear from the responses to the FEI's enquiries that the Respondent's role in the series of events was central.

4.3 Ms Wilson knew well in advance of the Bishkek Event, at least two weeks prior, that she would not be able to attend. Despite this, Ms Wilson did not inform the FEI. Instead, Ms Wilson, at the very least, went along with Ms Jogina's plan which involved Ms Jogina sending her the completed reports and results after the Bishkek Event so that Ms Wilson could submit them to the FEI in order to give the impression that Ms Wilson had actually attended and officiated at the Bishkek Event.

4.4 By her actions i.e. her non-attendance at the Bishkek Event and subsequent actions in misleading the FEI to believe that she had intended, Ms Wilson has breached the FEI World Jumping Challenge Rules and Article 169.6.4 of the FEI General Regulations.

4.5 The circumstances behind Ms Wilson initial decision, in her letter of 16 February 2018, to admit that she did not attend the Bishkek Event are somewhat unusual and not completely clear to the FEI. It would appear that the KAZ NF became aware of her non-attendance and Ms Wilson was "encouraged" to "come clean".



- 4.6 However, since the matter was brought to the FEI's attention, Ms Wilson PR has fully co-operated with the FEI.
- 4.7 On 27 February 2018, the FEI Legal Department wrote to Ms Wilson to give her the opportunity to accept the proposed sanctions of a 2 (two) year suspension and a fine of CHF1,000 if Ms Wilson were to accept the proposed sanctions the FEI would enter into a settlement agreement with her to be submitted to the FEI Tribunal for approval and final decision (*See Exhibit 19*).
- 4.8 The same day, Ms Wilson replied by email and stated that she was ashamed of her actions and that she accepted the proposed sanctions (*See Exhibit 20*).
- 4.9 It is on the basis of the above referenced email from Ms Wilson that the Parties have decided to enter into this Agreement."

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

- "5.1 According to Article 169.6.4: *"Acts defined as criminal by the relevant national law, fraud of any kind, and violence 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."*
- 5.2 The FEI submits that the rule breaches and offences committed by Ms Wilson are serious in nature and are deserving of a commensurate sanction. The FEI relies on FEI Officials to uphold the rules and ensure that they are applied fairly and consistently. Therefore, it is all the more egregious when it is an FEI Official who is behind such a fraudulent and serious breach of the FEI Rules and Regulations. Ms Wilson's actions undermine the credibility of the FEI World Jumping Challenge series in general.
- 5.3 Therefore, FEI proposed to Ms Wilson that she be suspended from her role as an FEI Official and from any role in FEI equestrian activity for a period of 2 (two) years and pay a fine of CHF1,000 (one thousand Swiss Francs). Ms Wilson has accepted these proposed sanctions."



4. Agreement between Parties

On 10 April 2018, the Parties reached the following Agreement, based on the facts as detailed above:

*** Quote***

In the matter of case 2018-03, FEI v Ms Elena Wilson related to the 2018 Youth Olympic Qualifier held as part of the FEI World Jumping Challenge Event in Bishkek on 10 November 2018 (the "YOG Qualifier"), Ms Wilson (the "Respondent") and the Fédération Equestre Internationale (the "FEI" and together with the Respondent, the "Parties") agree on the following:

1) Rule Violation

Ms Wilson violated the FEI World Jumping Challenge Rules and Article 159.6.4 of the FEI General Regulations by not attending the YOG Qualifier and not disclosing this to the FEI and instead proceeding to submit the official report and results from the YOG Qualifier in order to give the impression that she had in fact attended.

2) Period of Suspension

The Parties agree that Ms Wilson will be suspended from all equestrian activity at both the FEI and NF level for a period of 2 (two) years, commencing as of the date of the FEI Tribunal's decision on this Agreement.

3) Fine

The Parties agree that a fine of CHF1,000 shall be imposed on Ms Wilson. The FEI agrees that Ms Wilson shall have until 31 December 2018 to make the payment.

The payment shall be made to the following account:

Banque Cantonale Vaudoise
1002 Lausanne Suisse
Swift/BIC: BCVLCH2LXXX
Account Number: K 5366.41.84
IBAN: CH7200767000K53664184

4) Legal Costs

Each of the Parties shall bear their own legal costs.

5) Full Settlement and Resolution:

This agreement resolves and settles all outstanding matters between the FEI and the Respondent concerning the YOG Qualifier.

6) Right of Appeal

This Agreement will constitute the Decision for this case. The Parties agree that by signing and accepting this Agreement, each is waiving their respective rights to appeal this Decision under Article 165 of the FEI General Regulations.

End Quote

5. Jurisdiction

- 5.1 The Tribunal has jurisdiction over the matter pursuant to the Statutes, GRs and IRs.
- 5.2 As an FEI Official, Ms. Wilson was bound by the FEI Rules and Regulations.
- 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 Settlement Agreement

- 6.1 Having reviewed the Case Summary, the Rule Breaches, the Full Reasoning for the Settlement Agreement and terms of the Settlement Agreement, the Tribunal is satisfied that the Settlement 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 Settlement Agreement as set forth in Article 4 above. Further, this Decision shall terminate the present case *2018-03 – FEI v Elena Wilson*.

7. Decision

- 1) The Tribunal rules that the Settlement Agreement executed by the FEI and the Respondent, Ms. Elena Wilson, concerning the case *2018-03 – FEI v Elena Wilson* is hereby ratified by the Tribunal with the consent of the Parties and its terms are incorporated into this Decision.
- 2) Since the Parties waived their respective rights to appeal in the Settlement Agreement, this Decision is not subject to any appeal.

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 'Henrik Arle', is centered on the page. The signature is fluid and cursive.

Mr. Henrik Arle, one member panel