

DECISION RENDERED BY THE FEI TRIBUNAL

12 March 2024

In the matter of

FÉDÉRATION EQUESTRE INTERNATIONALE (the "FEI")

vs.

Ms. Rebekah ITALIANO–Person Responsible (the "PR")

together the "Parties"

Reference No. FEI Tribunal: C24-0002

COMPOSITION OF THE FEI TRIBUNAL PANEL:

Ms. Diane Pitts (USA), Sole Panel Member

FEI Case number:: 2023/BS05

Person Responsible/Athlete/ ID/NF: Rebekah ITALIANO/10065197/AUS

Horse/Passport: KENLOCK CADILLAC/106JG79/AUS

Event: CC14\*-S-Ballarat VIC (AUS),06-07.05.2023, 2023\_CI\_0904\_C\_S\_01

Date of sample collection: 7 May 2023

Prohibited Substance(s): Warfarin

Bar Code No.: B206059 & N267749

## I. Introduction

1. This Decision pertains to the FEI case 2023/BS05 KENLOCK CADILLAC (the "Horse"). In respect of this case, the FEI notified the PR that a violation of Article 2.1 (*The Presence of a Banned Substance and/or its Metabolites or Markers in a Horse's Sample*) and Article 2.2 (*the Use of a Banned Substance and/or Banned Method*) of the Equine Anti-Doping Rules (the "EADRs") had occurred based on the Australian Racing Forensic Laboratory's (the "Laboratory") adverse analytical finding (the "AAF") of Warfarin in the Horse's Sample collected at the CCI4\*-S-Ballarat VIC (AUS), 06-07 05.2023 (the "Event")
2. A Settlement Agreement between the FEI and the PR in respect of this case was agreed to by the Parties on 23 January 2024 (the "Settlement Agreement"). The Settlement Agreement and the Exhibits thereto are hereby incorporated herein by reference.

## II. Applicable Rule Provisions

3. The following regulations are applicable to the present case:  
Statutes 24<sup>th</sup> edition, effective 17 November 2021 (the "Statutes").

General Regulations, 24<sup>th</sup> edition, 1 January 2020, updates effective 1 January 2022. (the "GRs").

Internal Regulations of the FEI Tribunal, 3<sup>rd</sup> Edition, 2 March 2018 (the "IRs").

FEI Equine Anti-Doping and Controlled Medication Regulations, 3<sup>rd</sup> edition, effective 1 January 2023 (the "EADCMRs"). As only the EADRs apply in the present case, reference will be made hereinafter only to this first chapter of the EADCMRs.

## III. Factual background and initial proceedings

4. Ms Rebekah ITALIANO (FEI ID 10065197) the PR in accordance with Article 118.3 of the GRs, is an Athlete in the discipline of Eventing for Australia.
5. The FEI is the IOC-recognised international governing body for the equestrian sport disciplines of Dressage and Para-Equestrian Dressage, Jumping, Eventing, Driving and Para-Driving, Endurance And Vaulting.
6. The PR is a member of the Equestrian Federation of Australia (the "AUS-NF"), the

latter being a member of the FEI, thus the PR was bound by the EADCMRs.

7. The Horse was tested during the Event and returned an AAF for the presence of Warfarin. Warfarin may be used in the treatment of navicular disease and deep vein thrombosis and is classified as a Banned Substance under the FEI Equine Prohibited Substances List 2023. Banned Substances are substances that are prohibited in and out of competition.
8. The PR was provided with the right to request the B Sample analysis. The PR requested the B Sample analysis to be performed in the same Laboratory as the A Sample analysis. The B Sample analysis conducted by the Laboratory confirmed the presence of Warfarin in the Horse's Samples.
9. The FEI informed the PR of the positive results for these Banned Substances by way of a notification letter dated 4 September 2023 (the "Notification Letter"). In accordance with Article 7.4.1. of the EADRs, the FEI provisionally suspended the PR as of the date of the Notification Letter (the "Provisional Suspension"). The FEI also provisionally suspended the Horse for 2 months as of that date (from 4 September 2023 until 3 November 2023).
10. In the Notification Letter, the FEI also explained to the PR that in Accordance with Article 10.8.2 of the EADRs, if "the Person Responsible and/or member of the Support Personnel and/or other Person admits an EAD Rule violation after being confronted with the EAD Rule violation by the FEI and agrees to Consequences acceptable to the FEI" they may enter into a Case Resolution Agreement and agree to Consequences acceptable at the sole discretion of the FEI. The agreement shall be submitted to the FEI Tribunal (the "Tribunal") for the sole purpose of the Tribunal confirming that the criteria set forth in the EADRs have been fulfilled (or do not apply) and, where so confirmed by the 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.
11. On 11 January 2024, the FEI issued a Notice of Charge for an EADR violation. The FEI also explained to the PR in the Notice of Charge that an option is available to admit the violation asserted, enter in a case resolution agreement with the FEI and agree to the Consequences proposed by the FEI in accordance with Article 10.1-10.7 of the EADRs.
12. Extensive submissions were remitted by the PR on 23 October 2023 and 12 December 2023, following her investigation of the source of the Prohibited Substance found in the Horse. After review of the PR's submissions, the FEI was

satisfied that the PR had established, on a balance of probabilities, that the source of the Prohibited Substance arose from contamination of the Horse feed by rats. Therefore, in accordance with Article 10.6.1.2 of the EADRs, the FEI considered that she had established that she bore “No Significant Fault or Negligence” for the violation and that her level of fault was light, therefore warranting sanctions of the lower range<sup>1</sup>.

13. On 15 January 2024, the FEI notified the Tribunal that it had reached a settlement of the dispute with the PR, which included a two (2) month Period of Ineligibility and since the PR had already served a Provisional Suspension of more than four (4) months, the FEI requested that the Tribunal lift the Provisional Suspension of the PR as soon as possible and with immediate effect.
14. On 18 January 2024, the Tribunal informed the Parties of the appointment of a one-person hearing panel to adjudicate and approve this case. The Parties were asked to provide any objections to the constitution of the hearing panel. No objections to the constitution of the hearing panel were received.
15. On 22 January 2024, the Tribunal issued an Operative Decision lifting the Provisional Suspension of the PR with immediate effect.
16. On 23 January 2024, the FEI submitted to the Tribunal the duly signed Settlement Agreement for approval. Pursuant to the Settlement Agreement, the otherwise applicable Period of Ineligibility of two (2) years was reduced to two (2) months and the PR was assessed a fine of CHF 3,000.

#### IV. Accepted Terms.

17. The Settlement Agreement is made in accordance with Article 10.8.2 of the EADRs and is subject to the approval of the Tribunal.
18. The PR explicitly admitted the EADR violation and accepted the following terms (the “Accepted Terms”) in accordance with Article 10.8.2 of the EADRs:
  - a) The PR admits the violation of Article 2.1 of the EADRs (*The presence of a Banned Substance and/or its Metabolites or Markers in a Horse’s Sample*);

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<sup>1</sup> Settlement Agreement 23 January 2024 (between FEI and PR), paragraph 2.11, re summary of submissions dated 23 October 2023 and 19 December 2023 and Exhibits referenced therein.

- b) The PR established on a balance of probabilities how Warfarin entered the Horse's system;
- c) The PR bears *No Significant Fault or Negligence* for the Rule Violation in accordance with Art. 10.6.1.2 of the EADRs and the applicable period of Ineligibility shall be two (2) months, commencing as of the date of the final FEI Tribunal decision (the Provisional Suspension already served shall be credited against the imposed Ineligibility Period);
- d) The PR accepts the provisional suspension of 2 months imposed on the Horse between 4 September 2023 and 3 November 2023;
- e) In accordance with Articles 9.1 and 10.1.2 of the EADRs, the results achieved by the PR and the Horse at the Event are disqualified, with all resulting consequences, including forfeiture of any related medals, points and prizes;
- f) The PR shall pay a fine of 3'000 CHF;
- g) The PR shall bear the costs of the B Sample analysis in the amount of 1'000 CHF (in accordance with the B Sample Analysis Request Form signed by the PR);
- h) Each party will bear its own legal and other costs incurred in connection with these proceedings;
- i) No other Sanctions will apply in this case;
- j) This violation of the EADRs shall be considered a prior violation for the purpose of Multiple Violations in accordance with Art. 10.9 of the EADCMRs.

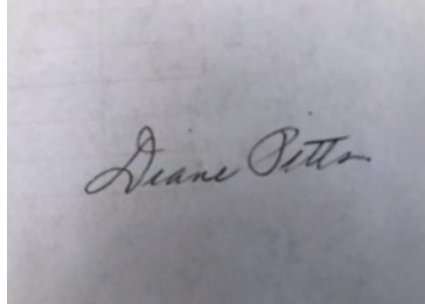
## V. Decision

- 19. The Tribunal has jurisdiction over this matter pursuant to Article 38 of the Statutes, Article 161 of the GRs, the EADRs and Article 18 of the IRs. The PR is a member of the AUS-NF, which is a member of the FEI; therefore, the PR is bound by the EADRs.
- 20. The Tribunal confirms that the Accepted Terms of the Settlement Agreement comply with the EADRs and finds no grounds to object thereto.
- 21. The Parties acknowledge and agree that pursuant to Article 14.3 of the EADRs, the Decision will be made public by the FEI. The terms set out in the Settlement Agreement have been agreed as a full and final settlement of all claims relating to the subject matter of these proceedings.
- 22. The Settlement Agreement and this Decision are not subject to appeal under Article 13 of the EADRs.

DECISION TO BE FORWARDED TO:

- a. The Parties: Yes
- b. The Secretary General of the NF of the person sanctioned: Yes
- c. Any other: No

FOR THE FEI TRIBUNAL

A rectangular image showing a handwritten signature in cursive script. The signature appears to read "Diane Pitts".

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Ms Diane Pitts, One-Member Panel