



DECISION of the FEI TRIBUNAL

dated 17 July 2017

Positive Controlled Medication Case No.: 2017/CM04

Horse: NASHMI ALGHZLAN

FEI Passport No: 105AT03/KSA

Person Responsible/NF/ID: Ibrahim Abdulrahman Alsughayer/10048149/KSA

Event/ID: CEI1*110 – Riyadh (KSA) – 2017_CI_0132_E_S_01_01

Date: 14 January 2017

Prohibited Substances: Phenylbutazone, Oxyphenbutazone, Dexamethasone

I. COMPOSITION OF PANEL

Mr. Chris Hodson QC, one member panel

II. SUMMARY OF THE FACTS

- 1. Memorandum of case:** By Legal Department.
- 2. Summary information provided by Person Responsible (PR):**
The FEI Tribunal duly took into consideration all evidence, submissions and documents presented in the case file, as also made available by and to the PR.
- 3. Oral hearing:** None.

III. 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**"), Arts. 1.4, 38 and 39.

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

Internal Regulations of the FEI Tribunal, 2nd edition, 1 January 2012

("IRs").

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

FEI Controlled Medication Regulations ("ECM Rules"), 2nd edition, effective 1 January 2016.

Veterinary Regulations ("VRs"), 13th edition 2015, effective 1 January 2017, Art. 1055 and seq.

FEI Code of Conduct for the Welfare of the Horse.

2. Person Responsible: Mr. Ibrahim Abdulrahman Alsughayer.

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."

ECM Rules Art. 2.1.1: "It is each Person Responsible's personal duty to ensure that no Controlled Medication Substance is present in the Horse body during an Event without a valid Veterinary Form. Persons Responsible are responsible for any Controlled Medication Substance found to be present in their Horse's Samples, even though their Support Personnel will be considered additionally responsible under Articles 2.2 – 2.5 ECM Rules where the circumstances so warrant. It is not necessary that intent, Fault, negligence or knowing Use be demonstrated in order to establish a Rule violation under Article 2.1."

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 and Article 2.1 of the ECM Rules, the Athlete must also establish how the Prohibited Substance entered his or her system."

IV. DECISION

Below is a summary of the relevant facts, allegations and arguments based on the Parties' written submissions, pleadings and evidence adduced. Additional facts and allegations found in the Parties' written submissions, pleadings and evidence may be set out, where relevant, in connection with the legal discussion that follows. Although the Tribunal has fully considered all the facts, allegations, legal arguments and evidence in the present proceedings, in its decision it only refers to the submissions and evidence it considers necessary to explain its reasoning.

1. Factual Background

- 1.1 NASHMI ALGHZLAN (the "**Horse**") participated at the CEI1*110 in Riyadh, Kingdom of Saudi Arabia ("**KSA**"), on 14 January 2017 (the "**Event**"), in the discipline of Endurance. The Horse was ridden by Mr. Ibrahim Abdulrahman Alsughayer who is the Person Responsible in accordance with Article 118.3 of the GRs (the "**PR**").
- 1.2 The Horse was selected for sampling during the Event on 14 January 2017.
- 1.3 Analysis of the blood sample number 5555552 taken from the Horse at the Event was performed at the FEI-approved Laboratory, the Hong Kong Racing Laboratory (HKJC) (the "**Laboratory**") in Sha Tin, Hong Kong, China. The analysis of the sample revealed the presence of Phenylbutazone, Oxyphenbutazone and Dexamethasone in the plasma.
- 1.4 The Prohibited Substances detected are Phenylbutazone, Oxyphenbutazone, Dexamethasone. Phenylbutazone and Oxyphenbutazone (metabolite of Phenylbutazone) are non-steroidal anti-inflammatory drugs (NSAIDs) with anti-inflammatory and analgesic effects. Dexamethasone is a corticosteroid drug with anti-inflammatory effects. These substances are classified as Controlled Medication Substances under the FEI Equine Prohibited Substances List (the "**FEI List**"). Furthermore, no valid Veterinary Form exists for the respective substances. Therefore, the positive finding for Phenylbutazone, Oxyphenbutazone and Dexamethasone in the Horse's sample gives rise to a Controlled Medication Rule violation under the EADCMRs.

2. The Further Proceedings

- 2.1 On 8 February 2017, the FEI Legal Department officially notified the PR through the KSA National Federation ("**KSA-NF**"), of the presence of the Prohibited Substances following the laboratory analysis, the possible rule violation and the possible consequences. The Notification Letter included notice that the PR was provisionally suspended and granted him the opportunity to be heard at a Preliminary Hearing before the Tribunal.
- 2.2 In the Notification Letter, the PR was also informed that due to the fact that he had been held responsible for a Controlled Medication Rule violation in February 2015 (Case: 2015/FT02 FAYIED), the period of Ineligibility to be imposed on him – in accordance with Article 10.8 of the ECM Rules - shall be the greater of: a) three months; b) one-half of the period of Ineligibility imposed for the first ECM Rule violation without taking into account any reduction under 10.6; or c) twice the period of Ineligibility otherwise applicable to the second ECM Rule violation treated as if it were a first violation, without taking into account any reduction under Article 10.6.

3. The B-Sample analysis

- 3.1 Together with the Notification Letter of 8 February 2017, the PR was also informed that he was entitled (i) to the performance of a B-Sample confirmatory analysis on the positive sample; (ii) to attend or be represented at the B-Sample analysis; and/or (iii) to request that the B-Sample be analysed in a different laboratory than the A-Sample.
- 3.2 The PR did not ask for the B-Sample to be analysed. Thus the PR accepted the results of the A-Sample analysis.

4. Written submission by and on behalf of the PR

- 4.1 On 13 March 2017, the PR provided a statement by Mr. Abdullah Abdulrahman Alsughayer, the Owner and Trainer of the Horse, who is also his brother. The statement was in addition also signed by himself and by the groom, Mr. Mohammed Basir.
- 4.2 The Owner of the Horse explained – among others - that he was a private owner of a small endurance stable containing two horses, and the main reason of having these horses was that they liked to participate in endurance rides as it was something related to their tradition and religion as they believed that the horse was the symbol of courage and sophistication. Further that they rode horses since they were 5 years old.
- 4.3 Furthermore, that they could not afford a private veterinarian for their horses, so they hired a person from Pakistan, i.e., the groom, as groom, driver and rider, and they taught him how to inject horses in the case of colic, high temperature, weakness or any other not serious problems. In case of any major issue they called the nearest veterinarian to treat their horses and most of the veterinarians in their area were general veterinarians and not specialised in horses; those needed to come from far away, around 250 km.
- 4.4 That his brother who rode the horses, i.e., the PR, had no relation with anything related to treatment or preparation for his horses as they just asked him to ride the Horse in the rides. That he therefore was the main responsibility in the case at hand.
- 4.5 He further explained that he always tried to follow any rules and regulation to avoid any problems and to respect the welfare of horses, as this was his priority. They also made sure that the Horse was ready to participate and do all the preparation for the Horse such as trained him well and transport the Horse by road three (3) days before the ride.
- 4.6 Regarding the Event, he explained that the Horse had finished the distance smoothly without speed, as they were not looking to win the ride, but merely to participated to qualify the Horse and to enjoy the ride.

- 4.7 That he had been shocked by the positive finding, and that when asking the groom – after the notification of the positive finding – whether he had given the Horse any medications, the groom explained to him that after the Horse was transported to the Event, in the morning on the day of vet check, he had walked the horse for about thirty minutes, and he had found the Horse “weak and down in the stable inactive and didn’t eat his food as always”. That the groom had therefore decided to treat the horse with “dexaphenylarthrite 20 cc” like he always did in the case the Horse was sick in the stable. That the groom had told him that he did not call him since he was worried that he had not taken good care of the Horse, and that he had thought that it was normal to give this medicine, and that “the horse become good after two hour and normal as before”.
- 4.8 Moreover, that he had informed the groom that he could not give the Horse these medications prior to rides. That the groom was therefore to blame for the case at hand, and that he did not know about the groom’s actions, otherwise he would have withdrawn the Horse from the Event. However, as owner and trainer it was him who had to take responsibility for the case at hand, and not the PR. Further, that the groom was just an employee, who had been worried about the Horse, and that it was also his fault that he had not educated the groom well on these issues, and that he was a groom not a veterinarian so he could not blame him.
- 4.9 Finally, he promised that in the future he would try to be more professional, since he could not let this happened again. He requested for the lowest sanction possible, as he did not intent to give the Horse any medications.

5. Written Response by the FEI

- 5.1 On 19 May 2017, the FEI provided its Response to the explanations provided by and on behalf of the PR.
- 5.2 In essence the FEI submitted that:
- a) Article 3.1 of the ECM Rules made it the FEI’s burden to establish all of the elements of the ECM Rule violation charged, to the comfortable satisfaction of the Tribunal. The elements of an Article 2.1 violation were straightforward. *“It is not necessary that intent, fault, negligence or knowing Use be demonstrated in order to establish an ECM Rule violation under Article 2.1”*. Instead it was a “strict liability” offence, established simply by proof that a Controlled Medication Substance was present in the Horse’s sample. The results of the analysis of the A-Sample taken from the Horse at the Event confirmed the presence of Phenylbutazone, Oxyphenbutazone and Dexamethasone, and together constituted “sufficient proof” of the violation of Article 2.1 of the ECM Rules. In any event, the PR did not dispute the presence of those Prohibited Substances in the Horse’s sample. Accordingly, the FEI had discharged its burden of establishing

that the PR has violated Article 2.1 of the ECM Rules.

- b) Where a Controlled Medication Substance was found in a horse's sample without a valid Veterinary Form, a clear and unequivocal presumption arose under the ECM Rules that it was administered to the horse deliberately, in an illicit attempt to enhance its performance. As a result of this presumption of fault, Article 10.2 of the ECM Rules provided that a Person Responsible with no previous doping offences who violated Article 2.1 of the ECM Rules was subject to a period of Ineligibility of six (6) months, unless he was able to rebut the presumption of fault. To do this the rules specified that he must establish to the satisfaction of the Tribunal (it being his burden of proof, on a balance of probability) (i) how the Prohibited Substances entered the Horse's system and (ii) that he bore No Fault or Negligence for that occurrence; or, alternatively (iii) that he bore No Significant Fault or Negligence for that occurrence. If the PR failed to discharge this burden, the presumptive six-month ban under Article 10.2 of the ECM Rules applied.
- c) The ECM Rules stipulated, and the jurisprudence of the Tribunal and the Court of Arbitration for Sport ("**CAS**") was very clear: it was a strict threshold requirement of any plea of No (or No Significant) Fault or Negligence that the PR proved how the substance(s) entered into the Horse's system. The FEI submitted in this context that the PR must provide clear and convincing evidence that proved how the Phenylbutazone, Oxyphenbutazone and Dexamethasone had entered the Horse's system. The FEI found that the PR and the Owner of the Horse had provided a plausible explanation of the positive finding, but that in order to further establish that that was the source of the substances, information such as confirmation from the groom explaining how he injected the Horse, and medical record of the treatment could strengthen such theory. There was no record of this medication and only a picture of the dexaphenylarthritis containing all the substances found in the case. The FEI further left it for the Tribunal to evaluate the facts of the submission, in relation to the source of the positive finding.
- d) In terms of the degree of Fault or Negligence by the PR for the rule violation, the starting point of any evaluation was the "*personal duty*" of the PR following from Article 2.1.1 of the ECM Rules, *i.e.*, his personal duty to ensure that "*no Controlled Medication Substance is present in the Horse's body*".
- e) The FEI argued that, through the FEI Clean Sport programme and in particular the "*Athletes Guide*"¹, it had gone to considerable lengths to communicate relevant information on the EADCMRs to Athletes. It had to be noted that, in the Glenmorgan decision², CAS had stated that the Athlete's Guide "*contains straightforward advice both to PRs and Support Personnel in a non-technical, non-legal form*"

¹ Athlete's Guide to the Equine Anti-Doping and Controlled Medication Regulations, effective 5 April 2010

² CAS 2014/A/3591 Sheikh Hazza Bin Sultan Bin Zayed Al Nahyan v. FEI

and described the Athlete's Guide as "required reading".

- f) That CAS in the Royal des Fontaines case³ had endorsed the rationale behind the FEI's policy of making the Athlete/rider the Person Responsible. The CAS Decision states as follows (at para 57):

"No doubt the degree of care is high; but horses cannot care for themselves. As the Respondent (the FEI) put it in its skeleton argument

"The FEI believes that making the rider the responsible in this way is necessary to protect the welfare of the horse, and to ensure fair play. It strongly incentivises riders to ensure compliance with the rules, whether by caring for the horse personally or else by entrusting that task only to third parties who are up to the job. In the case of such delegation, it protects the welfare of the horse, and clean sport, by requiring the rider to stay appraised of and be vigilant with respect to the way the horse is being prepared for competition, including as to any treatments given to the horse"

The Sole Arbitrator respectfully agrees."

- g) In the Glenmorgan case (in para 209) the Panel confirmed that the rider was best fit to control the Horse before a competition. *"... Among them (any support personnel), the rider is best able to function as the "last check" on the physical condition of the horse immediately prior to and during the race, regardless of whether he knows the horse or mounts it for the first time. An experienced rider can quite often identify with the naked eye an irregularity in the condition and behaviour of the animal both before mounting and during the competition."*

- h) The Panel further stated as follows (in para 203):

"The Panel wishes to emphasize again that the fault or negligence which determines the measure of the Appellant's sanction is not that of the Dr. It is the Appellant's own fault and negligence in not having exercised the standard of care applicable to a PR which, like the non-equine Athlete, is placed at the exercise of "utmost caution". It is the PR's personal duty to ensure that no Banned Substance is present in the Horse's body."

- i) In light of the stated CAS jurisprudence on this point, the FEI respectfully submitted that making the PR prima facie responsible for the condition of the Horse while competing, subject to his ability to prove he bore No (Significant) Fault or Negligence for the horse's positive test results was a reasonable and justifiable stance. Further, conclusions to be drawn from the case law were that the duty of care was very high and that this duty of care was non-delegable. But also that Persons Responsible were responsible for their Support

³ CAS 2015/A/4190 Mohammed Shafi Al Rumaithi v. FEI, para 57.

Personnel and the medical treatments given to their horses by their veterinarians, trainers or grooms.

- j) The PR signed a document provided by the Owner/Trainer that explained that the groom injected the Horse. The PR himself has not explained anything in relation to the case, *i.e.*, what measures he has in place to control medical/veterinary treatments, feed or how to avoid positive findings of the horses he competes with. The PR had not provided any evidence in order to establish No (Significant) Fault or Negligence for the rule violation.
- k) Further, that since this was the PR's second violation he could not be fully unaware of the rules and consequences of a positive finding and should have paid extra attention to the people working with the horses he rides at competitions. The FEI expected even more from a person who has already committed a violation.
- l) The FEI found it very worrying that a groom and not a veterinarian injected a horse without any knowledge of the effects of the substances. The PR/Owner/Trainer had to be able to give the horses the best possible care, and that – in accordance with the Code of Conduct⁴ - the welfare of the Horse was paramount. If a horse needed to be treated at an Event due to that the horse was weak, down and inactive in the stable not eating his food as normal, such horse was not even fit to compete.
- m) The FEI respectfully submitted that no elimination or reduction of the period of Ineligibility was possible in this case. Since this was the second violation of the ECM Rules by the PR within a four-year period, the FEI submitted that the provisions of the ECM Rules relating to multiple violations as set out in Article 10.8.1 of the ECM Rules had to apply. The FEI respectfully submitted that the period of Ineligibility of the PR should be at least six (6) months, and up to one (1) year, depending on the Tribunal's evaluation of the degree of fault and negligence of the PR.
- n) The PR and Horse combination obtained in the Competition had to be disqualified with all resulting Consequences, including forfeiture of any related medals, points and prizes. Furthermore, since this was a case with a Controlled Medication Substance, occurring during or in connection with an Event, and in order to safeguard the level playing field, all of the Person Responsible's individual results obtained in that Event, with any and all Horses with which the Person Responsible competed, with all consequences, including forfeiture of all medals, points and prizes, might be disqualified in accordance with Article 10.1.2 of the ECM Rules.
- o) As fairness did not dictate that no fine be levied in the case at hand, the FEI requested that a fine be imposed on the PR, and that the PR be ordered to pay the legal costs that the FEI had incurred in pursuing this matter. The FEI requested that the Tribunal fine

⁴ http://inside.fei.org/system/files/Code_of_Conduct_Welfare_Horse_1Jan2013.pdf

the PR in the amount of 2 500 CHF, and order the PR to pay the legal costs of 1 000 CHF that the FEI had incurred in these proceedings.

6. Further proceedings

In the following, the KSA-NF confirmed that the PR did not wish to submit any further information/evidence in the case at hand. Furthermore, the PR also waived his right for a Final Hearing.

7. Jurisdiction

The Tribunal has jurisdiction over this matter pursuant to the Statutes, GRs and EAD Rules.

8. The Person Responsible

- 8.1 The PR is the Person Responsible for the Horse, in accordance with Article 118.3 of the GRs, as he was the rider of the Horse at the Event.
- 8.2 In this respect, the Tribunal wishes to clarify that the PR as the rider remains the "main" Person Responsible for the Horse in the case at hand. In addition, in accordance with Article 118.3 of the GRs, the Owner and other Support Personnel, including the groom, may be regarded as additional Persons Responsible. However, the present decision concerns only the alleged rule violation of the PR.

9. The Decision

- 9.1 As stated in Article 2.1.2 of the ECM Rules, sufficient proof of an ECM Rule violation is established by the presence of a Controlled Medication Substance in the Horse's A-Sample where the PR waives analysis of the B-Sample and the B-Sample is not analysed. The Tribunal is satisfied that the laboratory reports relating to the A-Sample reflect that the analytical tests were performed in an acceptable manner and that the findings of the Laboratory are accurate. The Tribunal is satisfied that the test results evidence the presence of Phenylbutazone, Oxyphenbutazone and Dexamethasone in the sample taken from the Horse at the Event. The PR did not contest the accuracy of the test results or the positive finding. These substances are classified as Controlled Medication Substances under the FEI List. The presence of Phenylbutazone, Oxyphenbutazone and Dexamethasone during an Event without a valid Veterinary Form is prohibited under Article 2.1 of the ECM Rules.
- 9.2 The FEI has therefore established an Adverse Analytical Finding, and has

sufficiently proven the objective elements of an offence by the PR, in accordance with Articles 2.1 of the ECM Rules.

- 9.3 In cases brought under Article 2.1 of the ECM Rules a strict liability principle applies as described in Articles 2.1.1 of the ECM Rules. Once an ECM Rule violation has been established by the FEI, the PR has the burden of proving that he bore "No Fault or Negligence" for the rule violation as set forth in Article 10.4 of the ECM Rules, or "No Significant Fault or Negligence," as set forth in Article 10.5 of the ECM Rules.
- 9.4 However, in order to benefit from any elimination or reduction of the applicable sanction under Article 10.4 or 10.5 of the ECM Rules, the PR must first establish how the Controlled Medication Substances entered the Horse's system.
- 9.5 The Tribunal takes note of the PR's and Owner's explanations for the positive finding, namely that the groom had injected the Horse with "*dexaphenylarthritis 20 cc*" on the morning of the vet check as the Horse was "*weak and down in the stable inactive and didn't eat his food as always*". No further evidence by or on behalf of the PR has been provided in this respect. The Tribunal however, absent any further information, finds that it is more likely than not that the Controlled Medication Substances entered the Horse's system via the injection by the groom, as explained by and on behalf of the PR. The Tribunal therefore holds that the PR has established - on a balance of the probabilities, as required under Article 3.1 of the ECM Rules - how the Prohibited Substances have entered the Horse's system.
- 9.6 In a second step the Tribunal evaluates the degree of fault of the PR for the rule violation. To start with, in accordance with Article 2.1.1 of the ECM Rules, the Tribunal considers that it is the PR's personal duty to ensure that no Prohibited Substances are present in the Horse's system during an Event without a valid Veterinary Form. The Tribunal further holds that the PR - and despite having been requested by the FEI to do so - has not provided any information/evidence on whether he had put any procedures in place to fulfil this duty. It appears from the account given that the PR has taken no action to ensure that proper practices were required at the stable. Furthermore, the PR appears to have made no inquiry with regard to medications given to the Horse prior to competing in the Event.
- 9.7 The Tribunal further notes that the PR has a previous record of a Controlled Medication Rule violation only two (2) years prior to the incident in the case at hand. The Tribunal finds it particularly concerning that the medication came from a bottle clearly indicating what most horse persons would know to be a real possibility of endangering the horse. The Tribunal agrees with the FEI, and as outlined further above, the PR cannot avoid responsibility in circumstances such as the ones in the case at hand.
- 9.8 As a result, the Tribunal finds that No (Significant) Fault or Negligence does not apply in the case at hand. To the contrary the Tribunal finds

that the PR has been significantly at fault for the reasons previously outlined.

- 9.9 Pursuant to Article 10.8.1 of the ECM Rules for Person Responsible's second ECM Rule violation within a four-year period – which is the case in the case at hand –, the period of Ineligibility shall be the greater of (a) three months; (b) one-half of the period of Ineligibility imposed for the first ECM Rule violation without taking into account any reduction under Article 10.6; or (c) twice the period of Ineligibility otherwise applicable to the second ECM Rule violation treated as if it were the first violation, without taking into account any reduction under Article 10.6. The period of Ineligibility established above may then be further reduced by the application of Article 10.6 of the ECM Rules.
- 9.10 The Tribunal however finds that no reduction under Article 10.6 of the ECM Rules is applicable in the case at hand. As a result, and taking into account the previous ECM Rule violation by the PR, the Tribunal finds that the period of Ineligibility imposed on the PR shall be one (1) year.

10. Disqualification

For the reasons set out above, the Tribunal disqualifies the Horse and the PR from the Competition and the entire Event and all medals, points and prize money won must be forfeited, in accordance with Articles 9 and 10.1.2 of the ECM Rules.

11. Sanctions

- 11.1 As a result of the foregoing, the period of Ineligibility imposed on the PR shall be one (1) year.
- 11.2 The Tribunal imposes the following sanctions on the PR in accordance with Article 169 of the GRs and Article 10 of the ECM Rules:
- 1) The PR shall be suspended for a period of **one (1) year**. The period of Provisional Suspension, effective from 8 February 2017 shall be credited against the Period of Ineligibility imposed in this decision. Therefore, the PR will be ineligible **through 7 February 2018**.
 - 2) The PR is fined **two thousand five hundred Swiss Francs** (CHF 2'500,-).
 - 3) The PR shall contribute **one thousand Swiss Francs** (CHF 1'000,-) towards the costs of the judicial procedure.
- 11.3 No Person Responsible who has been declared Ineligible may, during the period of Ineligibility, participate in any capacity in a Competition or activity that is authorised or organised by the FEI or any National

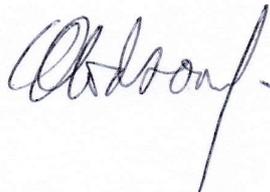
Federation or be present at an Event (other than as a spectator) that is authorized or organized by the FEI or any National Federation, or participate in any capacity in Competitions authorized or organized by any international or national-level Event organisation (Article 10.11.1 of the ECM Rules).

- 11.4 Where a Person Responsible who has been declared Ineligible violates against participation or attendance during Ineligibility, the results of any such participation shall be Disqualified and a new period of Ineligibility equal in length up to the original period of Ineligibility shall be added to the end of the original period of Ineligibility. In addition, further sanctions may be imposed if appropriate (Article 10.11.3 of the ECM Rules).
- 11.5 According to Article 168 of the GRs, the present decision is effective from the day of written notification to the persons and bodies concerned.
- 11.6 In accordance with Article 12 of the ECM Rules the Parties may appeal against this decision by lodging an appeal with the Court of Arbitration for Sport (CAS) within twenty-one (21) days of receipt hereof.

V. DECISION TO BE FORWARDED TO:

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

FOR THE PANEL



Mr. Chris Hodson, QC, one member panel