

# INTERNATIONAL SKATING UNION

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## Disciplinary Commission

Case No. 2015-02

November, 27, 2015

### **Decision of the ISU Disciplinary Commission**

**Panel:** - Volker Waldeck, Chair  
- Fred Benjamin  
- Susan Petricevic

#### **In the matter of**

**International Skating Union**, Avenue Juste Olivier 17, CH-1006 Lausanne, Switzerland,  
represented by the

Chair ISU Technical Committee Single & Pair Skating, Alexander Lakernik,

**- Complainant 1 -**

Chair ISU Technical Committee Ice Dance, Halina Gordon-Poltorak,

**- Complainant 2 -**

**against**

**Mr. Vladislav Petukhov,**

**- Alleged Offender -**

**and**

**Ukrainian Figure Skating Federation,**

**- Interested ISU Member -**

**Concerning alleged violation of the ISU Code of Ethics and of the Duties of Officials**

## **I. History of the Procedure**

On September 28, 2015, the Chairs of the ISU Technical Committee Single & Pair Skating and Ice Dance filed a complaint against the Alleged Offender, together with 11 exhibits. On September 30, 2015 the Alleged Offender and the Interested Member were invited by the ISU Disciplinary Commission to file a statement of reply within 21 days upon receipt of the complaint. The Alleged Offender filed a response on October 21, 2015.

By Order No. 2 the ISU Disciplinary Commission provisionally suspended the Alleged Offender in his function as an ISU Referee and ISU Judge pending the final decision in this case.

By Order No. 3 the panel directed some additional questions to the Alleged offender and the ISU Event Coordinator Assistant, concerning medical records and official duties of a referee during the assignment of the Alleged Offender.

## **II. Procedural Matters**

1. According to Article 24, Paragraph 1 of the ISU Constitution 2014 the Disciplinary Commission serves as a first instance authority to hear and decide all charges referred to it by an ISU authority against an Alleged Offender accused of a disciplinary or ethical offence. Therefore the ISU Disciplinary Commission has jurisdiction to decide this case.

2. Attached to the statement of complaint were two reports of the “Pauls Stradins Clinical University Hospital” of August 26 and 27, 2015, (Exhibits No. 10 and 11) regarding the patient Mr. P. On request of the panel, Mr. P responded:

*“I did not authorize or anybody else to release or disclose my health information to be known by third parties.”*

In contrast to the Alleged Offender, the Event Coordinator responded that

*“Mr. P. did consent to the delivery of his medical reports about his stays at the hospital....Mr. P. said, his medical report from the hospital is in his hotel room and he can give it to us after I asked whether we can read it or not.”*

It is not necessary for the Disciplinary Commission to decide whether or not the Alleged Offender consented to the delivery of his medical reports during his stay in Riga. However, it is clear that the Alleged Offender did not consent to the disclosure of his medical reports of August 26 and 27, 2015 from the hospital in Riga within this procedure. Therefore the Disciplinary Commission will not introduce the two hospital reports or the connected submissions of the Complainants and the Event Coordinator into this decision.

## **III. Facts**

The Alleged Offender is listed on the current List of Referees, Judges and Technical Controllers in Figure Skating and Ice Dance (ISU Communication 1961) as:

- ISU Referee for Single and Pair Skating
- ISU Technical Controller for Single Skating
- ISU Technical Controller for Pair Skating
- ISU Judge for Single and Pair Skating
- ISU Judge for Ice Dance
- International Referee for Ice Dance

The Alleged Offender was appointed by the ISU President to serve as Referee in the Pair Event of the ISU Junior Grand competition in Riga, Latvia, scheduled for August 26 to 29, 2015. His first duty as Referee was to conduct the draw for the starting order in the short program of the Pairs Event on August 26, 2015, at 13:00 h.

The Alleged Offender arrived on August 25, 2015 at Riga airport around 13:30 h. Due to health problems he stayed at the “Pauls Stradins Clinical University Hospital” from August 25 to 26, 2015 and left the hospital in the morning.

The Alleged Offender missed the draw for the starting order in the Pairs competition, which was scheduled for 13:00 h on that day. In his Reply of October 21, 2015 the Alleged Offender admitted:

*“After getting to the hotel on September 26 (i.e. August 26), I fell asleep as I actually did not sleep the whole time in the hospital and really missed the initial skaters draw. In any case I acknowledge that not being at this draw is a Rule violation.”*

In the afternoon of August 26, the Alleged Offender conducted the meeting of Judges and the Technical Controller, and the draw for the Judges’ seating order. The Event Coordinator had the impression that the Alleged Offender did not actively participate in the meeting at all. The Alleged Offender explained that he *“felt giddy and had difficulty to walk”*. When the Alleged Offender returned to the hotel, the emergency ambulance was called. He was taken to hospital, where he remained for several hours until he recovered. This was why the Event Coordinator, after consultation with the ISU Sport Director, decided to replace the Alleged Offender in his function as Referee of the Pairs event and send him home.

### **III. Motion**

The Complainants move

1. To find the Alleged Offender guilty of violation of the ISU Code of Ethics and of the Duties of Officials.
2. To suspend the Alleged Offender for at least two years from all ISU qualified services.

### **IV. Law**

As an ISU Referee, the Alleged Offender is an ISU Official (Rule 121, 1a. ISU General Regulations 2014). The Alleged Offender violated a duty of ISU Officials when he failed to conduct the draw for starting order in the Pairs event in Riga, which was scheduled for August 26, 2015 at 13:00 hours. According to Rule 430, Paragraph 1, bullet point 3, ISU Special Regulations Single & Pair Skating and Ice Dance 2014 the Referee of the event has to conduct

all the draws for starting order. It is uncontested that the Alleged Offender missed the draw. In his reply of October 21, 2015 he admitted that he has *“missed the initial skaters draw and acknowledged that not being at this draw was a rule violation.”*

This violation of the duties of Officials is undisputed and has to be sanctioned.

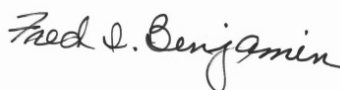
The Complainants additionally claim a violation of the ISU Code of Ethics. The allegations relevant to this issue are based on the reports of the “Pauls Stradins Clinical University Hospital” of August 26 and 27, 2015. These documents are subject of a ban on utilization, as the Alleged Offender did not consent to the delivery and publication of these reports. Thus a violation of the ISU Code of Ethics cannot be proven.

## VI. Decision

1. Mr. Vladislav Petukhov is suspended for one (1) year in his function as ISU Referee for Single and Pair Skating, ISU Technical Controller for Single Skating, ISU Technical Controller for Pair Skating, ISU Judge for Single and Pair Skating, ISU Judge for Ice Dance and International Referee for Ice Dance, for violating Rule 430, Paragraph 1, bullet point 3 of ISU Special Regulations Single & Pair Skating and Ice Dance 2014.
2. The suspension for one year shall begin with the date of the misconduct on August, 26, 2015 and end on August 25, 2016.
3. All parties shall bear their own costs.



Volker Waldeck



Fred Benjamin



Susan Petricevic

The present decision is subject to appeal to the Court of Arbitration for Sport, Avenue de Beaumont 2, CH-1012 Lausanne, Switzerland, within 21 days upon receipt of the decision, in accordance with Article 24 Paragraph 12 and Article 25 of the ISU Constitution 2014.