

Disciplinary Commission

Case No. 2019-05

16.12.2019

**Final Decision
in the matter of**

International Skating Union,
Avenue Juste-Olivier 17, 1006 Lausanne,
represented by its Legal Advisor, Dr. Béatrice Pfister,

- **Complainant** -

against

Mr. Nikolai Salnikov,
Estonia

- **Alleged Offender** -

and

The Estonian Skating Union

- **Interested ISU Member** -

Regarding the Violation of the Duties of Judges and the ISU Code of Ethics

I. History of the Procedure

- [1] On October 25, 2019, the ISU filed a complaint against the Alleged Offender, together with 2 exhibits. On October 28, 2019, the Alleged Offender and the Interested ISU Member were invited by the ISU Disciplinary Commission to file a statement of reply within 21 days upon receipt of the complaint. The complaint and two exhibits were delivered to the Alleged Offender by DHL Express on October 29, 2019, 15:44 h.
- [2] Neither the Alleged Offender nor the Interested ISU Member filed a statement of reply.

II. Procedural Matters

- [3] According to Article 25, Paragraph 1 of the ISU Constitution 2018, the ISU 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.
- [4] In the "Declaration for Competitors and Officials entering ISU Events" signed by the Alleged Offender on August 6, 2019:

I/we, the undersigned,

I) accept the ISU Constitution, which establishes an ISU Disciplinary Commission (Article 25) and recognizes the Court of Arbitration for Sport (CAS), in Lausanne, Switzerland as the arbitration tribunal authorized to issue final and binding awards involving the ISU, its Members and all participants in ISU activities, excluding all recourse to ordinary courts (Articles 26 & 27);

VI) am familiar with the ISU Code of Ethics (ISU Communication 2215 or any update of this Communication)[...]

- [5] The disciplinary/ethical offences the Alleged Offender is accused of are about his behavior as a Judge during the ISU Junior Grand Prix of Figure Skating Event held in Egna, Italy, from October 2 - 5, 2019.
- [6] The present statement of complaint respects the 60 days' time limit according to Article 25 Paragraph 6 of the ISU Constitution.
- [7] The ISU Disciplinary Commission has jurisdiction to decide this case.
- [8] The Complaint is admissible.
- [9] By the means of Article 10 of the ISU Disciplinary Commission's Rules of Procedure, « *If the Alleged Offender fails to submit his/her Statement of Reply by the given or extended time limit, the ISU Disciplinary Commission may nevertheless proceed with the review and deliver its Final Decision.* »

III. Facts

- [10] The Alleged Offender is listed as ISU Judge for Single and Pair Skating from Estonia for the season 2019/2020 (ISU Communication No. 2273). He was officiating in the Men's competition at the Junior Grand Prix Event 2019 in Egna, Italy.

- [11] The Judges' draw and the Initial Judges Meeting took place in the afternoon of Wednesday October 2, 2019 at the ice rink where practice was still in course with many people present, skaters, coaches, parents etc.
- [12] As evidenced by the Complainant, the Alleged Offender showed up on time to those meetings but was completely drunk and not even able to confirm his presence during the roll call. At the very beginning of the Initial Judges Meeting, he fell asleep, almost laying on the judge sitting next to him who therefore had to move her chair away from him. At the end of the meeting, the Alleged Offender was still so drunk that he was hardly able to get up from his chair, then fell and needed support to get to the bus bringing back the judges to the hotel.
- [13] The Alleged Offender judged the Short Program of the men on Thursday and the Free Skating on Saturday.
- [14] On Friday, he was seen at the restaurant at the ice rink, ordering one alcoholic drink after the other and was seen again allegedly so drunk that the owner of the restaurant contacted the Organizing Committee which in turn approached Mr. L, the appointed ISU Event Coordinator, asking him whether they could stop serving him any further alcoholic beverages. Again, the Alleged Offender was not able to go to the Shuttle Bus and the Organizing Committee had to organize a special car for getting him back to the hotel.

IV. Law

- [15] With no statement of reply by the Alleged Offender nor by the Interested ISU Member, the ISU Disciplinary Commission assumes that the hereinabove facts are undisputed.
- [16] By his hereinabove described conduct, the Alleged Offender grossly neglected his duties as Judge and violated the ISU Code of Ethics in several respects.
- [17] According to Rule 430 2., 5th lemma of the Special Regulations Single & Pair Skating and Ice Dance, Judges must attend the Initial Judges Meeting.
- [18] The ISU Disciplinary Commission concurs with the Complainant when saying that this rule requires more than mere physical presence and imposes upon the Judges the responsibility to assure that they are in a condition which allows them to follow what is being said during the meeting and to actively participate (see also Rule 430, General, f).
- [19] The duties of a Figure Skating judge require a level of awareness that cannot and should not be affected in any way. Otherwise, the integrity of the sport could be affected with severity.
- [20] By being drunk, the Alleged Offender was manifestly far from being in the appropriate state of mind required for his duties.
- [21] Further, the General Part of Rule 430 imposes on all Officials the duty to fully adhere to the Code of Ethics and to comport themselves with discretion.
- [22] By showing up drunk at a Judges Meeting, falling asleep during the meeting, needing assistance for getting back to the hotel due to intoxication and consuming alcohol in unreasonable quantities in the ice rink public restaurant, the ISU Disciplinary Commission finds that the Alleged Offender violated this duty to discrete behavior.
- [23] At the same time, his behavior was in manifest breach of his duty under Articles 1 and 3 of the ISU Code of Ethics to exemplify by his conduct the highest standard of integrity, respect and sporting attitude and to inspire internal and public confidence in the ISU and the ISU sports. The ISU Disciplinary Commission is of the opinion that this conduct reveals a total

lack of respect for the function of competition official, for the appointed ISU Referee, for his fellow Judges and for the sport of Figure Skating in general.

- [24] Therefore, the Alleged Offender is found to have committed an offence by violating his duties under Articles 1 and 3 of the ISU Code of Ethics.
- [25] The possible severe consequences of the Alleged Offender's actions at the ISU Junior Grand Prix of Figure Skating Event held in Egna, Italy, calls for a proportionally severe sanction. Such sanction must send the appropriate message that this conduct must never be tolerated, for the betterment of the sport.
- [26] In accordance with Article 25, paragraph 9 a) iii) of the ISU Constitution (2018), the ISU Disciplinary Commission may impose a sanction ranging from a warning, to a financial penalty not exceeding 15,000 Swiss Francs, to an exclusion for life from all ISU activities.
- [27] The Complainant suggests that an appropriate sanction should be to suspend the Alleged Offender from participation in all ISU activities for a period of two (2) years.
- [28] By not replying to Order no. 1, the Alleged Offender is assumed not to oppose to the consideration made by the Complainant regarding the suggested period of exclusion, nor has provided any explanation or facts that may have guided the ISU Disciplinary Commission to an alternate finding.
- [29] The Alleged Offender not having been the object of an official complaint, nor sanction before, the ISU Disciplinary Commission finds the Complainant's suggestion to be appropriate and impose to the Alleged Offender an exclusion from all ISU activities for a period of two (2) years.
- [30] The period of exclusion is set to start at the date of the present decision.

Based on the above considerations, the ISU Disciplinary Commission rules as follows:

Decision

1. Nikolai Salinikov is found guilty of a violation of the Duties of Judges and the ISU Code of Ethics, at the ISU Junior Grand Prix of Figure Skating Event held in Egna, Italy, from October 2 - 5, 2019.
2. A period of exclusion from all ISU activities of two (2) years, starting from the date of the present decision, is imposed on Nikolai Salinikov.
3. Nikolai Salinikov bears his own costs.

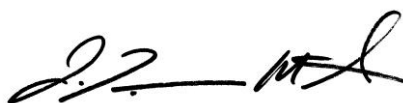
December 16, 2019



Volker Waldeck



Albert Hazelhoff



Jean-François Monette

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 25 Paragraph 12 and Article 26 of the ISU Constitution 2018.