

**DECISION**  
**OF THE FIM INTERNATIONAL DISCIPLINARY COURT (CDI)**  
**7 May 2019**

Sitting in the following composition:

Mr Robert Hofstetter Chairman of the Panel  
Judge: Sakari Vuorensola  
Judge: Manuel Marinheiro

in the following case:

**Championship:** 2018 AMA SuperCross FIM World Championship

**Event:** Round at PETCO Park, San Diego, California, USA, 10 February, 2018

**Case concerns:** Anti-doping rule violation committed by Mr. Broc Tickle

Present at the Hearing:

Mr Broc Tickle, Rider (by means of videoconferencing)  
Mr Brian Harrison, Rider's Counsel (by means of videoconferencing)  
Mr Jan Stovicek, FIM Counsel (by means of videoconferencing)

Mr Robert Hofstetter, CDI Panel Chair  
Mr Sakari Vuorensola CDI Judge  
Mr Manuel Marinheiro, CDI Judge

Mr Ludovic Agassiz, FIM Legal Advisor (Clerk)

## **I. RECAPITULATION OF THE RELEVANT FACTS**

1. Mr. Broc Tickle (hereinafter referred to as '*Mr. Tickle*' or '*Rider*') is a Professional SuperCross rider and was participating in the 2018 AMA SuperCross FIM World Championship ("hereinafter referred to as '*the Championship*').
2. Mr. Tickle participated at the round at San Diego, USA on 10 February 2018.
3. On 10 February 2018, as a part of routine In-Competition doping controls, Mr. Tickle's urine sample was taken together with the Doping Control Form submitted by the Rider. The Rider's urine sample (A-Sample Code No.4123109) was sent to Deutsche Sporthochschule Köln, Institut für Biochemie, a WADA accredited Laboratory, for testing.
4. The above-mentioned WADA accredited laboratory tested the A Sample and issued Analytical Report No.AR201801262 dated 06.03.2018, which contained an Adverse Analytical Finding as follows:

**Substance:**

**Other stimulant: 5-methylhexan-2-amine  
(S6. Stimulants)**

This is a prohibited substance under the head '*S.6 Stimulants*' of the FIM Anti-Doping Code (*hereinafter referred to as 'CAD'*).

5. By its letter dated 5 April 2018, the FIM's Medical Director Dr David McManus informed the FIM that no Therapeutic Use Exemption (TUE) request had been received from the Rider before the test and that the WADA Anti-Doping Administration & Management System ADAMS also did not contain any mention of any National TUE certificate in respect of the Rider.
6. On 12 April 2018, the Rider was informed of the adverse analytical finding of the WADA accredited laboratory and was asked to confirm as to whether he wanted the B-Sample tested. Based on the fact that '**5-methylhexan-2-amine**' is a prohibited substance listed under the head '*S.6 Stimulants*', the FIM provisionally suspended Mr. Tickle in accordance with Article 7.9.2 CAD with effect from 14 April 2018 until further notice. Mr. Tickle was also duly advised that he was provisionally barred from participating in any sports competition until further notice and that any violation of this ban would be sanctioned (cf. Article 10.12 CAD); that if he believed he had valid reasons to do so, he could request that the provisional suspension be lifted by submitting in writing his grounds for such a request and he was informed of the grounds available under Article 7.9.3.3 and Article 7.9.3.4 CAD; that under Article 7.10.1

CAD, at any time during the results management process, the FIM and the Rider may agree on the consequences of an anti-doping violation; that the case would otherwise be referred to the CDI to determine whether or not the Rider has committed an anti-doping violation under Article 2 CAD in order to impose a sanction on the Rider in accordance with Article 10 CAD.

7. Mr. Tickle did request on 21.04.2018 the analysis of the B Sample N° 4123109 as well as the A&B sample laboratory documentation packages and that an independent witness be present.
8. The Rider requested on 27 April 2018 that the Provisional Suspension be lifted. An affidavit signed and sworn by the Rider dated 26 April was also attached.
9. However, none of the grounds available under Article 7.9.3.3 and Article 7.9.3.4 CAD were met and therefore the CDI upheld the provisional suspension in its ruling dated 15 June 2018 pronounced by Single Judge Anand Sashidharan.
10. No appeal was lodged by the Rider against that decision although this possibility was explicitly mentioned in the notification of that decision.
11. On 31 January 2019 the CDI convened a hearing to be held in FIM's Headquarters on 21 February 2019 at 1pm CET.
12. On 4 February the Rider requested an agreement between the FIM and himself pursuant to Art.7.10.1 CAD. The FIM agreed in principle, provided that Mr Tickle explain and provide evidence of how the Prohibited Substance entered his body, and what was his intention when ingesting the substance. The deadline for answering was 18 February. By this date the Rider sent the following by e-mail:  
  
*"I have not booked flight or any travel arrangements for the hearing date as I was trying to get a reduced settlement and was trying to not have to spend the funds to travel for the hearing. Please let me know ASAP if I would be able to do a skype call as the cost of travel would be in the range of \$10,000 USD to fly over and stay for 3 nights. I haven't received any funds since my suspension back in April."*
13. Upon the request of the Rider, the FIM confirmed that the hearing would take place at the date already set on 21 February at 1 pm CET, by means of a video conference (Skype).
14. On 21 February, a very short time before the beginning of the Hearing, this Court was informed that one of the judges, namely Mr Manuel Marinheiro, was unable to attend the hearing owing to a medical emergency.

15. Confronted with this case of force majeure, this Court proposed, in order to not waste time, to proceed with this scheduled hearing as a kind of "preliminary hearing" and asked both parties whether they agreed to go on with such a preliminary hearing in spite of the absence of Judge Manuel Marinheiro. Mr. Tickle and his counsel Brian Harrison, after having discussed the matter privately, rejected the proposal and insisted on having the hearing on another date.
16. On 28 February the FIM Administration proposed two new dates for the Hearing and finally the CDI and the parties agreed to hold the hearing on 20 March 2019 at 5 pm CET.
17. The CDI Hearing was held in the presence of FIM Counsel Jan Stovicek, the FIM Legal Advisor, Mr. Ludovic Agassiz, Mr. Broc Tickle, and Mr. Brian Harrison, Counsel of Mr. Broc Tickle.

## II. **ASSESSMENT IN LAW AND IN FACT BY THE CDI**

### 1. **PROCEDURAL ISSUES**

#### **A. CDI Jurisdiction**

18. The CDI has jurisdiction to handle this case and decide on its merits in accordance with Article 8.1.1 CAD and Article 3.3.2 of the FIM Disciplinary and Arbitration Code.
19. In addition, the CDI notes that the Mr. Tickle has not called into question or challenged the competency of the CDI in the proceedings.
20. The Director of the International Commission of Judges (CJI) has appointed Mr. Robert Hofstetter as the Chair of the CDI Panel and Messrs. Manuel Marinheiro and Sakari Vuorensola as Judges.
21. During the Hearing of 20 March 2019, in accordance with Article 8.1 CAD, Mr. Tickle was given a fair and impartial procedure including the opportunity to exercise in full his right to be heard (present his version of the facts, arguments and submit relevant evidence in particular).
22. Mr. Tickle did not dispute the above, except as regards Article 8.1.2 according to which the hearing shall be scheduled and completed within a reasonable time. He argues that the FIM has caused a significant 'denial of justice' and 'denial of due process' by denying him a fair hearing 'within reasonable time', without any legal justification. This argument is dealt with below in Paragraph 63ff.

## 2. **MERITS (Procedure before the CDI)**

### A. **Scope of review of the CDI**

23. When adjudicating in first instance (FIM Disciplinary and Arbitration Code, Article 3.3.2), the CDI enjoys, as usual, full powers to establish the relevant facts and applies the law applicable to the case.
24. While the CDI has considered all the facts, allegations, legal arguments and evidence submitted by Mr. Tickle and his Counsel in the present proceedings, it refers in its Decision only to the submissions and evidence it considers necessary to explain its reasoning.
25. The CDI also takes into account the provision of Article 3.2.4 CAD according to which the facts established by a decision of a court which is not subject of a pending appeal shall be irrefutable evidence against the Rider to whom the decision pertained of those facts. The CDI notes that the Rider did not appeal the Decision of the CDI, dated 15 June 2018 and upholding the Provisional Suspension (see Paragraphs 8, 9 and 10 above). Since the Rider has not established that the CDI Decision of 15 June 2018 violated principles of natural justice, the CDI considers the facts established by that Decision according to the provision of Article 3.2.4 CAD.

### B. **Applicable law**

26. The 2018 FIM Anti-Doping Code, the FIM Disciplinary and Arbitration Code, and as usual and complementarily Swiss law, if necessary, as the FIM has its seat in Switzerland [cf. Arbitration CAS 2003/A/461 & 471 & 473 WCM-GP Limited v/ Fédération Internationale Motocycliste (FIM), Award of 19 August 2003] apply to this case. The CDI will also consider the relevant case law of the Court of Arbitration for Sport ("CAS").

### C. **The CDI Hearing**

27. The entire file consisting of the following documents:
  1. *Doping Control Form signed by Rider Broc Tickle on 10 February 2018*
  2. *Analytical report of A-Sample dated 6 March 2018*
  3. *Report of AAF signed by Dr David McManus, absence of TUE and any mention in ADAMS programme, 5 April 2018*
  4. *E-mail exchange between Evelyne Magnin, FIM and Institute of Biochemistry, Cologne as well as WADA, 3-12 April 2018*
  5. *Notification of AAF by FIM to Broc Tickle, 12 April 2018*
  6. *FIM Press Release on 13 April 2018*
  7. *Broc Tickle's request for a Provisional Hearing before the FIM CDI*

8. *Affidavit of Broc Tickle dated 26 April 2018*
  9. *B-sample Analytical Report and A&B-sample laboratory documentation package dated 11 May 2018*
  10. *Decision of the CDI of 15 June 2018 in the matter of the Provisional Suspension*
  11. *CDI summons to a Hearing on 21st February 2019*
  12. *Request for Resolution by Agreement pursuant to CAS 7.10.1 dated 4 February 2019*
  13. *Acceptance by FIM on 8 February 2019 of the Request for Resolution by Agreement subject to conditions.*
  14. *Rider's e-mail requesting hearing by means of a video-conference/Skype of 18 February 2019.*
  15. *Summons for a Hearing by Skype on 21 February 2019*
  16. *Information on the New Hearing date on 20 March 2019*
  17. *CDI's request of 26 March 2019 to rider to submit written statement with further evidence within 5 days*
  18. *Rider's submission of further medical records on 2nd April 2019*
  19. *FIM's reply dated 7 April 2019 to rider's further submission of medical records Letter*
  20. *Confirmation of the formal closing of the oral CDI hearing on 9 April 2019*
28. Mr. Tickle's evidence sent to the CDI before the hearing was reviewed and discussed at the CDI Hearing. At the hearing, the oral evidence of Mr. Tickle was heard and the documents in support of his case were also taken on record. The following were the arguments and evidence of Mr. Tickle:
- a) The Rider, in his sworn and signed Affidavit of 26 April 2018 submitted to the CDI, denies unequivocally the alleged Anti-Doping violation, as he never intentionally or negligently ingested 5-methylexan-2-amine, nor did anyone around him ever offer or provide him with such substance.
  - b) Furthermore, he stated that he never cheated, doped or tried to better himself.
  - c) According to the Rider's argument in support of lifting the provisional suspension, the FIM has not provided Mr. Tickle with any credible evidence of the alleged Adverse Analytical Finding (AAF). He claims that FIM delayed in replying to Mr. Tickle's requests to obtain such evidence, or obtain analysis of his Sample B, and the related lab documentation.
  - d) Furthermore, Mr. Tickle is a 12 year professional SuperCross Rider with absolutely no history of, or predisposition to, ingesting prohibited substances for competitive gain, much less an alleged substance that is no more beneficial, or lasting, than a strong cup

of coffee such as 4- methylhexan-2-amine. Mr. Tickle has been tested previously and passed. The substance is not only synthetically made, but is commonly found in products with no connection to Prohibited Substances, such as shampoos. (See Analytical Report Re: Geranium Plants).

- e) Moreover, he noted that the FIM bears the burden of proof of a violation, and is unable to meet that burden, much less ethically impose the discretionary "Provisional Suspension". Simply put, the FIM possesses no evidence of a violation, only a conclusory letter from the laboratory containing no evidence or analytical data of the alleged presence of the Prohibited Substance in Sample A ONLY (Sample B was weeks away from being tested, and even more weeks away from credible support for such). The CAD specifically provides that the FIM may rely upon only credible evidence such as Rider admissions, 3rd party testimony, reliable documentary evidence, reliable analytical data from Sample A or B.
- f) At this point, only Art. 7.9.3.4(3) clearly applies — he cannot think of a case where it would be more appropriate to consider that "circumstances make it clearly unfair to impose suspension before final hearing."
- g) With the stroke of a pen, without any evidence, and after intentional procedural delays, the FIM has issued the ultimate penalty.
- h) Broc Tickle respectfully requests this Honourable Court lift the Provisional Suspension immediately, and maintain such lifting until the final outcome of the proceedings in this matter.
- i) The Rider's Counsel, Mr Brian Harrison finally alleges at the hearing, that the substance "5-methylhexan-2-amine" is not listed in the 2018 WADA Prohibited List but only "4-methylhexan-2-amine".
- j) At the CDI Hearing, the CDI Judges drew the attention of Mr Tickle and his Counsel specifically to the questions already asked in the convening to the Hearing dated 31 January 2019 and asked the Rider to address the CDI on the same:
  - How did Mr. Tickle ingest the prohibited substance?
  - Why did Mr. Tickle ingest the prohibited substance?
  - Did Mr. Tickle intend to enhance his sports performance in ingesting it?

k) Thereafter, the rider indicated at the Hearing that he had taken some nutritional supplements which were pre-approved by a doctor.

29. At this juncture and after the indication given by Mr. Tickle, the CDI panel urged the Rider to provide the Court within 5 days with further documents in order to substantiate his statement and indicated that the FIM would give thereafter within 5 days, if necessary, its opinion on the further documents submitted by the Rider.

l) On 2 April 2019, the Rider's Counsel, Mr Brian Harrison, submitted to the CDI an e-mail with 7 further attached documents (medical reports) in order to *"corroborate Mr. Tickle's testimony that he conducted himself with the utmost care in treating his condition related to FIM/WADA protocols. Additionally, such demonstrates that his Doctor was fully informed and cognizant of his athletic status as it relates to WADA.(...) Indeed, if anything, the evidence suggests that Mr. Tickle sought professional medical treatment for an existing condition, which is entirely reasonable, and not prohibited."*

m) On 7 April 2019, Mr Jan Stovicek, as representative of the FIM, replied *inter alia* as follows to the rider's further written submission:

*"During the hearing held on 20 March 2019, Mr Tickle has been provided with detailed explanation on the necessity to evidence his alleged low level of Fault/Negligence. After he verbally confirmed that the nutritional supplements used by him were pre-approved by a medical specialist, he has been invited to provide a witness statement from that particular specialist to evidence this fact. The invitation to such evidence was then repeated in the CDI panel communication of 26 March 2019.*

*"Moreover, the further documents provided (progress notes, diagnostics and other medical reports) do not provide any information on possible precautionary measures.*

*"None of these documents provide evidence that Mr. Tickle consulted with a specialist and obtained his approval for the use of nutritional supplements, eventually let the supplements laboratory tested, prior to actually starting their use.*

*"The crucial evidence, namely a witness statement of the medical specialist who was allegedly consulted by Mr. Tickle, has not been provided. In fact, the information available shows that Mr. Tickle used nutritional supplements without taking any such precautionary measure, which can only be classified as his gross negligence."*

30. On 9th April 2019 the FIM reply was sent by e-mail to the Rider and his Counsel and communicated that the Hearing is now formally closed as from this date.

#### **D. Findings of the CDI**

31. At the outset, the first question to be answered by the CDI is whether there was an Anti-Doping Violation pursuant to Article 2.1 CAD, i.e. presence of a Prohibited Substance, Namely '**5-methylhexan-2-amine**', as argued by the FIM.
32. The Adverse Analytical Report based on A sample No. AR201801262 dated 06.03.2018 and the Analytical report based on B sample No. AR201802807 dated 11.05.2018 as well as an A&B sample laboratory documentation package of the Deutsche Sporthochschule Köln, Institut für Biochemie, a WADA accredited Laboratory, which tested Mr. Broc Tickle's sample confirmed that '5-methylhexan-2-amine (S6. Stimulants)' was present in the samples tested.
33. '5-methylhexan-2-amine' is a Prohibited Substance identified in the 2018 CAD Prohibited list under title 'S6. Stimulants'.
34. The laboratory analysis reports, the FIM Medical Director report, and the written statements of Prof. Mario Thevis (Cologne laboratory) and Irene Mazzoni, Ph.D. (WADA) confirm that the substance in question is indeed a Prohibited Substance (see document no. 4 in Paragraph 27 above).
35. Article 2.1.2 CAD provides that sufficient proof of an anti-doping violation is established by the presence of a Prohibited Substance in the rider's sample where the rider's B sample is analysed and that analysis confirms the presence of the Prohibited Substance. This provision is based on the principle of "strict liability" according to which it is not necessary that intent, fault, negligence or knowing use on the Rider's part be demonstrated in order to establish an anti-doping rule violation. The fault of the Rider is taken into consideration later on below in determining the consequences of this anti-doping rule violation.
36. With regard to the burden and standard of proof applicable to the FIM in order to establish an anti-doping rule violation, the CDI finds that the FIM has met the standard of proof given the analytical reports made by the Cologne Laboratory, a WADA accredited laboratory, that is presumed to follow analytical methods approved by WADA and thereby establish scientifically valid results.
37. The CDI therefore finds that it is undisputable that Mr. Tickle committed an anti-doping rule violation under Article 2.1 CAD, namely the presence of a prohibited substance in the Rider's sample. According to the

information provided for the CDI, it is also undisputable that it is the first anti-doping rule violation detected against Mr. Tickle.

38. It therefore remains to determine the appropriate sanction.
39. Pursuant to Article 10.2 CAD a sanction for a violation of Article 2.1 CAD shall be a period of ineligibility. In case of Specified Substance, as is in the present case, the period of ineligibility shall be pursuant to Article 10.2.1 CAD four years, if the FIM can establish that the violation was intentional.
40. In the present case the FIM has not even tried to show that the violation of Mr. Tickle was intentional. Therefore, pursuant to Article 10.2.2 the period of ineligibility shall be two years.
41. In accordance with Article 10.2 the CDI has now to establish whether there is a basis for elimination or reduction of the sanction pursuant to Articles 10.4 or 10.5 CAD.
42. If the Rider established that he bears no Fault or Negligence, then the otherwise applicable period of ineligibility shall be eliminated (Article 10.4 CAD). The CDI notes that in terms of Article 2.1.1 CAD, it is the Rider's responsibility to ensure that no Prohibited Substance enters his body. Furthermore, riders are responsible for knowing what constitutes an anti-doping rule violation and the substances which have been included on the Prohibited List (Article 2 CAD).
43. As stated above, 5-methylhexan-2-amine is a prohibited substance in the category of "Stimulants". It is a Specified Substance in the meaning of Article 4.2.2 CAD and, therefore, this fact will be taken into account when applying Article 10 CAD below.
44. During the whole result management process or during the hearing Mr. Tickle has not admitted using the Prohibited Substance (5-methylhexan-2-amine), which according to him, is no more beneficial, or lasting, than a strong cup of coffee or which is commonly found in products with no connection to Prohibited Substances, such as shampoos (sic). Reference is made to the Analytical Report related to Geranium Plants.
45. Mr. Tickle, however, during the hearing, admitted that he has used some nutritional supplements pre-approved by his doctor.
46. As stated in his doctor Frandzie Daphnis's plan of action on 14 November 2017, in other words prior to the AAF, the rider was advised to use caution in taking OTC (over the counter) medications in view of anti-doping controls. Considering that the reason to consult this doctor in November 2017 was, among others, fatigue and weakness, one cannot

help but think that some “stimulants” could have been therapeutically appropriate.

47. Although Mr. Tickle was invited to provide a witness statement from that doctor in order to evidence this fact, such witness statement was never provided.
48. According to the CAD, “No Fault of Negligence” means *“the rider establishing that he or she did not know or suspect, and could not reasonably have known or suspected even with the exercise of the utmost caution, that he or she had used or been administered the Prohibited Substance or Prohibited method”*. However, except in case of a minor, the rider must establish how the Prohibited Substance entered in his system.
49. Furthermore, Article 10.4 CAD should apply only in exceptional circumstances, for *example* where a rider could prove that, despite all due care, he was sabotaged by a competitor. Conversely, it would not apply in case of positive test resulting from mislabelled or contaminated nutritional supplement.
50. In the present case Mr. Tickle did not clearly establish how the Prohibited Substance entered in his system. Neither did he show, or even try to show, that the nutritional supplements he used were mislabelled or contaminated. Therefore, and taking into account that he has been warned by a medical doctor against the possibility of anti-doping rule violation when using nutritional supplements, the CDI considers that Mr. Tickle has not been able to show that he bears no Fault of Negligence. Therefore, the period of ineligibility cannot be eliminated pursuant to Article 10.4 CAD.
51. It is therefore necessary to consider if Article 10.5 CAD (Reduction of based on No Significant Fault or Negligence) applies in the present case and if pursuant to it the period of ineligibility could be reduced. In order for Article 10.5.1 CAD to apply, the Rider has to establish No Significant Fault of Negligence. The standard of proof here shall be by a balance of probability (as required under Article 3.1 CAD).
52. In order for the CDI to consider this it needs to know how the Prohibited Substance entered the Rider’s system.
53. As stated already above during the whole result management process or during the hearing Mr. Tickle has not tendered evidence on how the Prohibited Substance (5-methylhexan-2-amine) entered his system.
54. As stated above Mr. Tickle, however, during the hearing admitted that he used some nutritional supplements pre-approved by his doctor. This fact could explain how the Prohibited Substance entered his system.

55. However, as stated above, in his doctor Frandzie Daphnis's plan of action on 14 November 2017 the rider was advised to take caution in taking OTC (over the counter) medications related to anti-doping controls. Again, considering that the reason to consult this doctor in November 2017 was, among others, fatigue and weakness, one cannot help but thinking that some "stimulants" could have been appropriate.
56. Although Mr. Tickle was invited to provide a witness statement from that doctor in order to evidence this fact, such witness statement was never provided.
57. The possibility of having used shampoos containing the Prohibited Substance in cause was never further developed and remained just an assertion without substance.
58. Where the anti-doping violation involves a Specified Substance, as in the present case, and the Rider can establish pursuant to Article 10.5.1.1 CAD No Significant Fault or Negligence, then the sanction shall be, at minimum, a reprimand and no period of ineligibility and at maximum, two years of ineligibility, depending on the Rider's degree of Fault.
59. As Mr. Tickle's explanation as to how probably the prohibited substance entered his body has been established above in Paragraph 47, the CDI must then consider whether Mr. Tickle knew or suspected or could reasonably have known or suspected "even with the exercise of the utmost caution" that he had used or been administered" **5-methylhexan-2-amine** (See definition of No Fault or Negligence in the CAD).
60. Article 2.1 states that "*It is each Rider's personal duty to ensure that no Prohibited Substance enters his or her body. Riders are responsible for any Prohibited Substance or its Metabolites or Markers found to be present in their Samples. Accordingly, it is not necessary that intent, fault, negligence or knowing Use on the Rider's part be demonstrated in order to establish an anti-doping violation under Article 2.1*". This places a high responsibility on the Rider to ensure that no Prohibited Substance enters his body. The Rider/athlete's fault is measured against the fundamental duty that he or she owes under the CAD to do everything in his or her power to avoid ingesting any Prohibited Substance.
61. Therefore, this Court concludes that his behaviour in this case shows significant fault and negligence. Thus, the CDI does NOT apply any reduction pursuant to Article 10.5 CAD. In other words the two years sanction remains appropriate.
62. Article 10.11 provides that except as provided in Article 10.11.1, the period of ineligibility shall start on the date of the final hearing decision providing for ineligibility. Article 10.11.1 provides that where there have been substantial delays in the hearing process or other aspects of Doping

Control not attributable to the Rider or other Person, FIM may start the period of Ineligibility at an earlier date commencing as early as the date of Sample collection or the date on which another anti-doping rule violation last occurred. All competitive results achieved during the period of Ineligibility, including retroactive Ineligibility, shall be disqualified.

63. In this particular case there have been some delays that are not all attributable to the Rider and that could be considered as substantial under Article 10.11 CAD, but not at a level that would deny Mr. Tickle his right to a fair and impartial hearing and thereby, denying him due process. Therefore, the CDI is to determine if the period of ineligibility in this case may exceptionally start at an earlier date than the date of the final hearing decision.
64. Taking into account that the FIM admitted in the present case that there have been some delays not exclusively attributable to the Rider, the CDI, also taking into account the stipulations of Article 10.11.3.1 (Credit for Provisional Suspension), considers it fair that the period of ineligibility should commence on 10.2.2018, i.e. on the date of taking the sample.

### **Costs of Procedure**

- i. As regards the costs of the CDI proceedings, Article 6 of the 2018 Disciplinary and Arbitration Code provides that: "The costs of a disciplinary or arbitration decision will be assessed by the FIM Executive Secretariat and will be awarded against the losing party, unless the Court decides otherwise."
- ii. Given the outcome of this case, the CDI considers that Mr. Tickle, as the penalised party, will bear the said costs as assessed by the FIM Executive Secretariat.

### **On these grounds, The International Disciplinary Court rules that:**

- I. Mr. Broc Tickle is sanctioned with a period of ineligibility of 24 (twenty-four) months commencing on 10 February 2018 (i.e. the date of taking the sample).
- II. Mr. Broc Tickle, is disqualified from:
  - *The Round of the 2018 SuperCross FIM World Championship at PETCO PARK, San Diego, California, USA held on February 10, 2018*

with all of the resulting consequences including forfeiture of any medals, points and prizes.

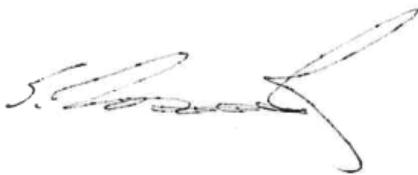
III. The costs of the case shall be borne by Mr. Broc Tickle.

Dated in Mies, Switzerland on 7<sup>th</sup> May 2019

**THE INTERNATIONAL DISCIPLINARY COURT:**



Mr Robert Hofstetter (Chairman of the Panel)



Judge Sakari Vuorensola



Judge Manuel Marinheiro

An Appeal against this decision may be lodged before the Court of Arbitration for Sport (CAS) in Lausanne, Switzerland within 21 days from the date of receipt of the CDI decision pursuant to Article 13.7 of the 2018 FIM Anti-doping Code FIM. Moreover, Articles R47 ff. of the Code of Sports-related Arbitration shall apply.

The full address and contact numbers of the CAS are the following:

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