



## **EXECUTIVE BOARD RULING SESSION**

### **RESOLUTION No. 5/2022**

Lausanne, December 20<sup>th</sup>, 2022

#### **1. INTRODUCTION**

The following resolution has been taken and approved by World Skate's Executive Board.

Attendees:

- ❖ **Sabatino Aracu** - President of World Skate
- ❖ **Karen Doyle** - Commissioner of World Skate Oceania | First Vice President of World Skate
- ❖ **Luís Sénica** - President of World Skate Europa | Vice President of World Skate
- ❖ **Nathanael Koty** - President of World Skate Africa | Vice President of World Skate
- ❖ **Yongjun Cai** - President of World Skate Asia | Vice President of World Skate
- ❖ **Nicola Genchi** - Chair of World Skate Artistic Technical Commission
- ❖ **Weinfeng Gu** - Chair of World Skate Inline Freestyle Technical Commission
- ❖ **Olivier Pascal** - Chair of World Skate Roller Freestyle Technical Commission
- ❖ **Andrea Fonzari** - Chair of World Skate Inline Hockey Technical Commission

- ❖ **Siegfried Zistler** - Chair of World Skate Inline Slalom and Downhill Technical Commission
- ❖ **Gary Ream** - Chair of World Skate Skateboarding Technical Commission
- ❖ **Roberto Marotta** - Secretary General of World Skate (non-voting Member)
- ❖ **Doris Gentile** - Vice Secretary General of World Skate (non-voting Member)
- ❖ **Patricia Wallace** - Chair of World Skate Sports Medicine Commission | Anti-doping Manager (non-voting Member)
- ❖ **Giuseppe Francesco Bonacci** - World Skate Prosecutor (Speaker role only)
- ❖ **Alessandra Lunadei** - DELA Dpt. Member (Assistant)
- ❖ **Angela Masci** - DELA Dpt. Member (Assistant)
- ❖ **Francesco Jacopo D'Urbano** - DELA Dpt. Member (Assistant)

The Secretary General confirms that the constitutive quorum of the Executive Board pursuant to Article 8.9 of World Skate's Statute has been reached (11 Voting Members attending the Ruling Session), and that, given the number of participants in the meeting, the deliberative quorum has been established in 6 votes.

None of the Executive Board Members attending today's meeting has been found in a conflict of interest position with regards to the topics included in the agenda.



## **2. THE INDICTEES**

The indictees of the present Ruling Session are:

- § **Mr. Eduardo Musa Costa Bravo** (hereinafter “**First Indictee**”), in his capacity as President of the Confederação Brasileira de Skate, represented in his statement of defense by the law firm Bichara & Motta Advogados;
- § **Confederação Brasileira de Skate** (hereinafter “**CBSK**”, or “**Second Indictee**”), represented in their statement of defense by the law firm Bichara & Motta Advogados.

## **3. THE INVESTIGATION CARRIED OUT BY THE PROSECUTOR**

- 3.1. On September 2<sup>nd</sup>, 2022, by means of communication Ref. nr. 150/2022/GAD/RM/sfs (Exhibit 1), World Skate informed World Skate’s National Federations, and International and Continental Technical Commissions, about the cancellation of the two events named “RIO World Skate Park World Championships 2022 by STU” and “RIO World Skate Street World Championships 2022 by STU” (hereunder also referred as “The events”).
- 3.2. Following the aforementioned decision, World Skate’s Prosecutor was informed that Mr. Eduardo Musa Costa Bravo, both personally and on behalf of CBSK, made public statements against World Skate through press reports, social media and CBSK’s website.



3.3. On September 21<sup>st</sup>, 2022, the Prosecutor verified and assessed the information and documents received. Therefore, the Prosecutor notified both Mr. Eduardo Musa Costa Bravo, in his capacity as President of CBSk, and the National Federation CBSk, on the beginning of an investigation procedure under his supervision (Exhibit 2), concerning the following violations of the Code of Conduct and Code of Ethics:

- Slander.
- Contract, bidding or agreements mystification, violation, breach and failure.
- Insulting or publicly expressing non-ethic opinions about World Skate or one of its members' bodies, anthem, flag, logo or any other distinctive symbol.
- Violation of ethics duties and values.

3.4. On October 3<sup>rd</sup>, 2022, after collecting further substantial evidence corroborating the ongoing investigation, and considering the actual possibility of the conduct being reiterated with subsequent further damage to be suffered by World Skate in terms of public image, honourability and credibility, the Prosecutor - as per Part. I, Art. 3.A.III of the Code of Conduct and Code of Ethics - deemed it necessary to enforce a Precautionary Suspension (Exhibit 3) against Mr. Eduardo Musa Costa Bravo for the entire duration of the investigation.



3.5. At the end of the 2-month investigation term - as per Par. 8-C, Art. 4.C. of World Skate By Laws - the Prosecutor opted for the indictment of Mr. Eduardo Musa Costa Bravo and CBSK.

Therefore, on November 29<sup>th</sup>, 2022, the Prosecutor notified to Mr. Eduardo Musa Costa Bravo and CBSK and the Executive Board the Indictment Report prot. 165/2022/DD/GFB/al (Exhibit 4), including allegations, findings and evidence collected during the investigation process.

#### **4. THE CHARGES**

The Indictees have allegedly violated World Skate Code of Conduct and Code of Ethics, by engaging in the violations set forth in II. Special Part, 2, in the following terms:

- 1. Slander.**
- 2. Contract, bidding or agreements mystification, violation, breach and failure.**
- 3. Insulting or publicly expressing non-ethic opinions about World Skate or one of its members' bodies, anthem, flag, logo or any other distinctive symbol.**
- 4. Violation of ethics duties and values.**

In particular, the Indictees were found responsible of the following conducts:

- Refusing to fulfill their commitments within the agreed terms;
- Making statements that do not truthfully represent the reality and that are detrimental to and damage the public image of World Skate;



- Remaining involved with an organization that released statements which proved to be detrimental and harmful to the public image of World Skate, without distancing themselves from the allegations made by such organization, but rather confirming its full support to it.

## **5. THE RULING SESSION**

The Executive Board meeting of World Skate was held on December 20<sup>th</sup>, 2022, in order to:

- Discuss and evaluate the alleged charges, and the conduct carried out by the Indictees, in violation of the duties provided for in World Skate Statutes, Rules and Regulations as well as in violation of the rules set forth in World Skate Code of Conduct and Code of Ethics;
- Determine the responsibility of the Indictees, and the potential appropriate sanctions to be enforced according to World Skate Statutes, By-Laws and Code of Conduct and Code of Ethics.

In this regard, the Executive Board assessed the Prosecutor's Indictment Report and reviewed and evaluated the written statement of defense submitted by the Indictees and their attorneys on December 9<sup>th</sup>, 2022 (Exhibit 5).

Following a careful evaluation of such documentation, the Executive Board of World Skate resolved to record and highlight that its proceedings and Ruling Sessions are not a Court of Law, but rather constitute an expression of the provisions set forth in World Skate's Statutes, By Laws and Code of Conduct and Code of Ethics, which all members



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of World Skate (both individuals and legal entities) are bound to respect by virtue of their membership.

Noted the above, the Executive Board deems it necessary to reject the objections made by the Indictees by means of their attorneys, listed below:

- *All matters negotiated by the Indictees and World Skate and included in the Agreement signed were met;*
- *The Indictees were merely an “endorsing partner” responsible for guaranteeing the compliance of the event to World Skate standards, rules and regulations;*
- *The statements made by the Indictees following the cancelation of the events are not damaging to World Skate;*
- *The organization DC10 (STU Platform owners) and CBSK are two separate entities, and as such the Indictees should not be held accountable.*



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## **6. THE DECISION OF THE EXECUTIVE BOARD RULING SESSION**

After deliberating on all the aspects concerning the specific matter, the Executive Board decides as follows:

- (i) **Mr. Eduardo Musa Costa Bravo** is found to have committed the following violations set forth in II. Special Part, Art. 2, of the Code of Conduct and Code of Ethics of World Skate.
- **Slander**
  - **Insulting or publicly expressing non-ethic opinions about World Skate or one of its members' bodies, anthem, flag, logo or any other distinctive symbol.**
  - **Violation of ethics duties and values.**

The First Indictee, in his capacity as CBSK's President, made statements that do not truthfully represent the reality and that are detrimental to and damage the public image of World Skate (see Exhibit 6, 7 Indictment Report).

Despite the allegations of DC10/STU, which proved to be harmful to the public image of World Skate, Mr. Musa remained involved with such organization, without distancing himself from the allegations made (see Exhibit 8, 9 Indictment Report), but rather confirming his full support to STU events.

- **Contract, bidding or agreements mystification, violation, breach and failure.**

The First Indictee, in his capacity as CBSK's President, was a central contributor to CBSK and DC10/STU's refusal to fulfill their commitments provided for in the



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Acknowledgement of Commitment and Acceptance within the agreed terms (see Exhibit 1, 2 Indictment Report).

(ii) The **Confederação Brasileira de Skate** is found to have committed the following violations set forth in II. Special Part, 2, of the Code of Conduct and Code of Ethics of World Skate.

- **Slander**
- **Insulting or publicly expressing non-ethic opinions about World Skate or one of its members' bodies, anthem, flag, logo or any other distinctive symbol.**
- **Violation of ethics duties and values.**

The Second Indictee, as a Member Federation of World Skate, made statements that do not truthfully represent the reality and are detrimental to and damage the public image of World Skate (see Exhibit 6, 7 of the Indictment Report).

Despite the allegations of DC10/STU, which proved to be harmful to the public image of World Skate, CBSK remained involved with such organization, without distancing itself from the allegations made (see Exhibit 8, 9 Indictment Report), but rather confirming its full support to STU events.

- **Contract, bidding or agreements mystification, violation, breach and failure.**

The Second Indictee refused to fulfill their commitments provided for in the Acknowledgement of Commitment and Acceptance, within the agreed terms (see Exhibit 1, 2 Indictment Report). Indeed, although the Indictees have repeatedly

stated they had no direct obligations to World Skate, the Acknowledgement of Commitment and Acceptance clearly defines the role of CBSK until the signature of the Hosting Contract - which was never signed. Moreover, the email used by the indictees to prove their alleged contractual role clearly states “...As agreed, DC10 will be the main party in the hosting contract and will assume obligations. CBSK will be a party to the contract as endorsing partner and to guarantee the compliance of the event to World Skate standard, rules and regulations”. Therefore, the side role emphasized by CBSK would be taken on by CBSK only in the framework of the Hosting Contract, which was never signed. Moreover, even in case of acknowledgement of their side role, CBSK neither fulfilled their commitments and obligations, nor guaranteed the compliance of the event with World Skate standards, rules and regulations. For this reason, this Executive Board was forced to withdraw the sanctioning and cancel the above-mentioned events.

For the sake of clarity, the above-mentioned considerations also apply to Mr. Eduardo Musa Costa Bravo in his role as legal representative of CBSK and signatory of the Acknowledgement of Commitment and Acceptance.

The Executive Board, having heard the proposal made by the Prosecutor, in compliance with the provisions set forth in I. General Part, Art. 3, of the Code of Conduct and Code of Ethics of World Skate, imposes the following sanctions:

- (i) Mr. Eduardo Musa Costa Bravo is suspended as CBSK President for 3 years.



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In detail: 6 months for Slander, 1 year for Contract, bidding or agreements mystification, violation, breach and failure, 1 year for Violation of ethics duties and values, 6 months for Insulting or publicly expressing non-ethic opinions about World Skate or one of its members' bodies, anthem, flag, logo or any other distinctive symbol.

As a consequence of the sanction, and for the entire duration of the suspension, he shall not act as CBSK President and he is prevented from participating in World Skate events (including non-sports events) as well as any other activity connected to World Skate and its affiliated Federations.

The sanction is effective as from the date of this resolution until November 1<sup>st</sup>, 2025. The duration of the sanction takes into account the 49 days imposed by the precautionary suspension enforced by the Prosecutor during the Investigation.

(ii) The Confederação Brasileira de Skate is fined with the amount of 1.000,00 \$ (one thousand US Dollars). The sanction shall be paid upon receipt of the payment notice in accordance with the terms and conditions provided therein.

**World Skate Executive Board**

*Valid and fully in force from the date stated above. To be notified to the Indictees, to the World Skate Executive Board, to National and International sports entities concerned and to be published on the World Skate Official website.*



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