

UNITED STATES POLO ASSOCIATION
BEFORE A HEARING COMMITTEE OF THE USPA
DISCIPLINARY PROCEEDING

IN THE MATTER OF:

CASE NO. 2009-HC-004

UNITED STATES POLO ASSOCIATION,

Charging Party/Petitioner,

vs.

MANUEL QUESTAL,

Charged Party/Respondent.

FINAL ORDER

THIS CAUSE came before Russell Sheldon acting as the duly appointed Hearing Officer of the United States Polo Association (the "USPA") for expedited hearing on October 9, 2009. The hearing, which took place in a meeting room at the Radisson Hotel, 6225 West Century Boulevard, Los Angeles, California 90045, arose from a Notice of Conduct Violation, Issuance of USPA Charge & Notice of Expedited Hearing dated October 2, 2009. The USPA and the Respondent, who were both present at the Hearing, offered witness testimony and various documents in support of and in defense of the charges. Having considered the charges, the testimony given by the witnesses, the documents offered by the parties, and after otherwise being duly advised in the premises, the following findings of fact, conclusions, and rulings are made.

I. The Charges Against Respondent.

Respondent was charged, by Notice of Conduct Violation, Issuance of USPA Charge & Notice of Expedited Hearing dated October 2, 2009, with violations of Outdoor Rules 27(b) and 33(b) of the United States Polo Association Rules of Outdoor and Arena Polo. [Exhibit 1].

Outdoor Rule 27(b) provides, in pertinent part, that “[n]o player may physically abuse another player or the player’s own or another player’s mount.” Outdoor Rule 33(b) provides that a player engages in unsportsmanlike conduct when he or she displays “[d]isrespectful attitude toward any official.”

II. Findings of Fact.

On Saturday, September 26, 2009, Respondent played in the Hector Sustaita Memorial Tournament at the Will Rogers Polo Club in Pacific Palisades, California. During the game, Respondent was dissatisfied with the officiating of Umpire Ernest V. Darquea. At one point during the game, after Respondent felt that Umpire Darquea failed to call a foul on a member of the opposing team, Respondent disengaged from play and rode his horse at either a “walk” or a “trot” into the horse ridden by Umpire Darquea.¹ Respondent testified that the collision of his horse into the horse ridden by Umpire Darquea was accidental. Umpire Darquea testified that Respondent’s conduct was intentional. The other umpire on the field, Graydon Brittan, testified that in his opinion based upon Respondent’s location in relation to the play, Respondent intentionally bumped his horse into the horse ridden by Umpire Darquea. After the incident in

¹ At the hearing, Respondent testified that his horse was in a trot when he collided with Umpire Darquea. Umpire Darquea testified that Respondent’s horse was at walk.

question, both umpires conferred and Respondent was ejected from the game but allowed to later return.

On September 28, 2009, Umpire Darquea authored a written complaint to the USPA. [Exhibit A]. The complaint was delivered to the USPA on September 30, 2009 and the Notice of Conduct Violation, Issuance of USPA Charge & Notice of Expedited Hearing (the "Notice") was sent to Respondent *via* Federal Express on October 2, 2009.

At the hearing, Respondent offered various witnesses who testified to his general character and demeanor. By all accounts, the witnesses gave favorable testimony about Respondent. None of the witnesses, however, had personal knowledge or information to offer regarding the incident in question. In a written statement read at the hearing, Arcia Rios, a representative acting on behalf of Respondent, stated that Umpire Darquea may have made the written complaint to the USPA as a means of harming Respondent who is Umpire Darquea's competitor. Ms. Rios further stated that Respondent and Umpire Darquea compete for the same polo jobs and students, and that as a result, there is significant animosity between the two. While that may be, the facts support the conclusion that Respondent did intentionally run his horse into the horse ridden by Umpire Darquea.

III. Conclusions.

When a player intentionally rides his horse into a horse ridden by the umpire, a violation of Outdoor Rule 33(b) occurs. Regardless of the sport, an athlete's actions in attacking, striking, going after or confronting an official in an aggressive manner is a classic example of unsportsmanlike behavior. In this regard, Respondent clearly violated Rule 33(b). Respondent did not however violate Rule 27(b) given Umpire Darquea's

testimony that the collision was at a "walk," nobody was injured, and none of the horses need veterinary attention. As a result, there could be no "abuse" as contemplated by Rule 27(b) and thus no Rule violation.

After considering all of the factors, the USPA Chairman adopts the findings of fact and conclusions made by the duly appointed Hearing Officer, and further finds that the above-mentioned Rule violation occurred and that a penalty as recommended by the Hearing Officer is appropriate.

IV. Penalty.

As a result of his violation of Outdoor Rule 33(b), and pursuant to By-law 11(e)(1), a penalty should be imposed on Respondent. Based upon the above findings of fact and conclusions, the USPA Chairman renders the following penalty:

A. Respondent is suspended by the USPA and prohibited from playing in any USPA Event, USPA Sanctioned Event or at any USPA member club for a period of thirty (30) days commencing on November 9, 2009 and expiring on December 9, 2009;

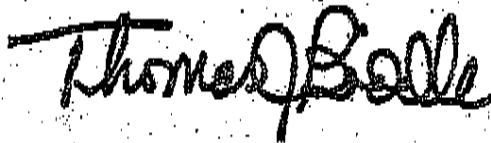
B. Respondent is placed on probation with the USPA for a period of twelve (12) months commencing on December 9, 2009 and expiring on December 9, 2010 (the "Probation Period"). If, during the Probation Period, Respondent is ejected from any USPA Event or USPA Sanctioned Event or tournament and a subsequent complaint and hearing on that violation takes place wherein Respondent is determined to have again violated a USPA Rule, Respondent shall receive at a minimum a six (6) month suspension from all USPA Events, all USPA Sanctioned Events and tournaments, and all USPA member clubs;

C. Respondent is ordered to pay to the "United States Polo Association," within thirty (30) days of the date of this Final Order, the Association's costs of this proceeding in the amount of Seven Thousand Eight Hundred Seventy Two Dollars and 56/100 (\$7,872.56). In the event that payment is not made timely, (i) the sum shall accrue interest at the highest rate allowed by law, and (ii) the USPA may extend Respondent's suspension by the number of days of delinquency;

D. By virtue of this Final Order, the USPA hereby publicly censures Respondent for his conduct which violates Outdoor Rule 33. A copy of this Final Order (or a summary thereof) shall be published in The Morning Line newsletter, Polo Players' Edition magazine, and/or on the USPA website; and

E. A copy of this Final Order shall be placed in Respondent's permanent membership file with the USPA and may be used by the USPA for any purpose in any future disciplinary matters involving Respondent.

Ordered and Adjudged by the USPA Chairman on this 19th day of October, 2009.



Thomas J. Biddle, Sr. Chairman

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