



**FINDINGS AND DECISION OF THE UNITED STATES EQUESTRIAN FEDERATION, INC.
HEARING COMMITTEE**

**RE: Patty Jean Lebon v. Michael Byatt
Federation File No. 2016-50
December 13, 2017**

Pursuant to Chapter 6, GR611.5 of the rules of the United States Equestrian Federation, Inc. (the "Federation"), this comprises the Findings and Decision of the Federation's Hearing Committee following a hearing of the above-referenced matter held at the Federation's Lexington, Kentucky office on Wednesday, December 13, 2017.

Committee members presiding: Ms. Lisa Blackstone, in the Chair; Ms. Katie Whaley; Ms. Mary Anne Cronan; and Mr. Duane Esser (collectively the "Hearing Committee").

Parties and Witnesses in attendance: Patty Jean Lebon, Proponent; Michael Byatt, Respondent; Thomas Miller, Counsel for Respondent; Austin Colangelo, Witness for Respondent; and Kathy Meyer, Witness for Respondent.

Also in attendance: Daniel E. Danford, Esq., Counsel to the Hearing Committee; Emily Pratt, Secretary to the Hearing Committee and Director of Regulation; and a court reporter.

The Hearing Committee heard evidence presented in the matter of a Charge filed by Patty Jean Lebon against Michael Byatt. The Charge alleged that in connection with the U.S. National Arabian & Half-Arabian National Championship Horse Show held on October 21-26, 2016, Michael Byatt violated Federation Rules as described with particularity therein, including Chapter 7, GR702.1(d) and Chapter 8, GR839.4(l), in that on or about Friday, October 27, 2016 during the warm up for class #978 (Arabian Futurity Colt Breeding) Mr. Byatt was observed shanking his horse TURISMO RA off his feet. In addition, Mr. Byatt allegedly showed disrespect to the Stewards when he was asked to stop shanking the horse.

DELIBERATION

Before reaching its decision, the Hearing Committee received into evidence and gave consideration to the written submissions and other evidence listed in the Addendum to this decision. The Hearing Committee further considered the live testimony of the parties and witnesses present at the hearing.

As an initial matter, the Hearing Committee Panel heard and granted Respondent's motion during the hearing to dismiss the allegations concerning disrespect to the Steward for lack of evidence.

With regard to the remaining allegation of shanking, the Hearing Committee noted that certain key facts were not disputed in this matter. Among them was the fact that, in the warm up ring just prior to the incident in question, TURISMO RA reared up and struck out at his handler, Austin Colangelo, injuring his arm. Mr. Colangelo shanked the horse hard to get him under control. As steward, Ms. Lebon witnessed the event and properly assured Mr. Colangelo that his shanking of the horse did not violate Federation rules because it was necessary to get the horse under control and prevent injury to the horse or others.

The parties also agreed that, minutes later in the warm up ring, Mr. Moreas and Mr. Byatt each shanked TURISMO RA. However, the rest of the material facts in this case are disputed.

In support of her Charge, Ms. Lebon submitted a number of statements from Competition officials that observed parts of the events leading up to this incident. None of the statements mentioned the horse's behavior that had necessitated Mr. Colangelo's hard shank minutes before.

The Paddock Master, Paul Devroomen, claimed in his notarized statement that he saw Silvio Moraes shank TURISMO RA off its feet while Mr. Byatt stood by and watched. After the steward asked Mr. Moraes to exit the arena and give the horse to Mr. Byatt as handler, Mr. Devroomen claimed that "Michael stood the horse up and also shanked him off his feet." Mr. Devroomen did not comment on the horse's demeanor or behavior.

In his notarized statement, Commissioner Tague Johnson stated that he observed the same shanking by Mr. Moraes and Mr. Byatt. Commissioner Johnson did not describe the horse's demeanor or behavior at any time. He stated that Mr. Moraes "made an aggressive side to side swing with his arm and shanked Turismo RA hard enough to make the horse[s] head swing to the side and back violently." At that point, Mr. Johnson and Steward Patricia Hough were discussing "the fact that there was an extra person in the paddock." Mr. Moraes left the arena as instructed by Ms. Hough and Mr. Byatt took the lead. "Soon after he stood the horse up (hard stance) and then he too took an even harder left right swing with his arm and shanked the colt hard enough to pull him off his feet." Mr. Johnson conferred with Commissioner Lance Walters, Ms. Hough and Ms. Lebon, all of whom "saw varying parts of the same event" and "agreed to pursue a protest against Mr. Byatt and Mr. Moraes."

Commissioner Lance Walters reported his observation of "the end of a severe shank to the lower jaw area by Michael Byatt literally knocking the horse off his balance and turning the horse sideways as the result of the concussion." Mr. Walters evidently did not observe anything about the horse's behavior prior to the shanking, because his statement was silent in that regard.

Although Mr. Walters did not claim that he observed the shanking by Mr. Moraes, Ms. Hough indicated that he – along with Commissioner Johnson and Mr. Devroomen – told her he had "observed both men shanking the horse off its feet." Ms. Hough did not personally observe any shanking directly. She indicated that, following her instruction to Mr. Moraes to leave the on-deck area, she "heard a hard shank from behind me and turned and saw Mr. Byatt's horse off his front feet." Evidently, Ms. Hough did not observe whether the horse acted in an aggressive manner prior to the shanking.

Finally, Ms. Lebon's statement claimed that she saw Mr. Moraes and Mr. Byatt in the on-deck area. Although she stated in a follow-up email that she saw Mr. Moraes with the horse in the on-deck area, she did not observe any shanking by Mr. Moraes or any aggressive behavior by TURISMO RA. She headed over to instruct Mr. Moraes to exit the on-deck area, but Ms. Hough reached him first. She stated that Mr. Byatt took the lead and began schooling the horse. "It was then that Mr. Byatt swung his arm holding the lead, across the front of the horse's face causing the chain to connect with the horse's jaw violently enough to send its body contorting side-ways taking the animal off its front feet." Ms. Lebon stated that there "was no prior aggression by the horse."

In her live testimony, Ms. Lebon explained that her comment about “no prior aggression” referred only to the time period when the horse was being handled by Mr. Byatt. However, she had no satisfactory explanation for why her statement and testimony would exclude mention of TURISMO RA’s violent rearing and striking of Mr. Colangelo just minutes before. Nor did she have a compelling answer for why Mr. Moreas was never charged with excessive shanking. She indicated she did not charge Mr. Moraes because she did not observe him shanking with a sideways movement. However, she did not controvert Commissioner Johnson’s statement that he shared his observations about Mr. Moreas’s sideways shank with Ms. Lebon and others, after which the decision was made to charge both Mr. Moraes and Mr. Byatt. The proof showed that Mr. Byatt was charged, but Mr. Moraes was not, even though both allegedly shanked the horse in a comparable manner.

In the Respondent’s written version of the events, there were several occasions where the horse was shanked, including the three incidents described above and possibly an interim shanking in between the striking of Mr. Colangelo and the handing of the horse to Mr. Moraes. Mr. Byatt’s emailed statement indicated that TURISMO RA “reared up and struck [Mr. Colangelo] causing a laceration to his right arm.” Mr. Byatt stated that when he took the lead to enter the on-deck area, the horse “was in an aggressive mode and [he] shanked down on the horse to stop his aggressive movement.” He alleges that Ms. Lebon “took this opportunity to tell me that I was not allowed to ‘shank’ a horse in the quiet area.” Mr. Byatt handed the horse to Mr. Moraes, at which time it “reared up, standing upright on his hind legs and waving his limbs toward Mr. Moreas.” Mr. Moreas shanked the horse, doing “what was necessary to regain control of the horse.” Ms. Hough then approached and Mr. Byatt took over the handling of TURISMO RA. As soon as Mr. Byatt took the lead, he claims the horse “went back on his hind feet, pivoted and started waving his legs at me.” Referring to his shanking, Mr. Byatt states he “did what was necessary to regain control of the horse and ensure he did not make contact with me.”

In his live testimony, Mr. Colangelo supported Mr. Byatt’s version of the events. He described TURISMO RA as being aggressive and “nippy” throughout that day. In the warm up ring, the horse got pushy, reared up and struck Mr. Colangelo in the arm. The horse reared again and Mr. Colangelo shanked him hard in order to bring him under control and prevent injury to himself and potentially others. Ms. Lebon appropriately asked if he was okay, and affirmed that his shanking of this unruly horse was

appropriate. Mr. Colangelo also observed the horse rear up at Mr. Moreas, and thereafter at Mr. Byatt, with the horse shanked in each occasion to regain control.

Mr. Byatt's live testimony supported his written statement. Mr. Byatt indicated that he had only handled this horse in one prior Competition and did not know it well. He added that he was, ironically, an outspoken critic of the "hard stand up." He also indicated he was willing to confront a steward when he perceived an issue, and testified that he had earlier raised several issues with Ms. Lebon that left her annoyed at him for "calling her out." Mr. Byatt implied that Ms. Lebon was not very watchful or active in this ring, an allegation she disputed. Ms. Lebon agreed that she was responsible for a number of horses within the ring, but that did not prevent her from observing the events with TURISMO RA.

Mr. Byatt acknowledged that he shanked TURISMO RA but did so to control an unruly horse and prevent further harm to others in the aftermath of the injury to Mr. Colangelo. He indicated that he was personally concerned with potential injury when the horse reared up at him.

In support of the Response, Mr. Byatt relied on several notarized affidavits from eyewitnesses.

Mr. Moreas confirmed the horse's behavior during this Competition, the striking of Mr. Colangelo and subsequent shanking by Mr. Colangelo, himself and Mr. Byatt, all for the "sole purpose of regaining control of an unruly horse."

Mr. Colangelo's affidavit further confirmed this version of the events, but did not include the description from his earlier unsigned statement that affirmed Mr. Byatt's statement about the interim shanking that was necessary when Turismo was a "bit aggressive."

Robert Cass, an employee of Mr. Byatt's further confirmed the horse's repeated rearing and the need for shanking by Messrs. Colangelo, Moreas and Byatt.

In her affidavit, Alayna Mala indicated that she conditions and handles TURISMO RA at Adandy Farm. Ms. Mala stated that the horse was "hot and spirited" throughout the week of U.S. Nationals. Prior to that Competition, TURISMO RA "had started a habit of rearing while he was being lunged or hand

walked, which continued when we arrived at the show.” Ms. Mala indicated that the horse “is a young colt (Three Years old)” and “any horseman knows that a young breeding stallion becomes very spirited.” Ms. Mala observed the shanking of TURISMO RA and saw nothing inappropriate in that regard. Following the shanking events, the horse went into the ring and completed “his stand up with ease and happiness and ended up winning the class.”

Cathy Vincent, the manager and caretaker of TURISMO RA at Adandy Farm, agreed with Ms. Mala in all pertinent respects. She confirmed the difficulty with the horse rearing on the farm and stated the “colt was more factious then usual at this particular event.”

Megan LeDuc and Emily Johnson, each workers of some sort at Adandy Farm, confirmed the allegations about TURISMO RA’s behavior at the barn. Ms. Johnson stated that she “did not see Mr. Byatt or Mr. Moreas harm Turismo in any way just simply correct him to keep him from harming himself or anyone around him.”

Greg Gallun observed the colt “acting out by rearing quickly and striking in the air.” However, it was not clear whether Mr. Gallun was referring to the incident with Mr. Colangelo.

In her live testimony, Ms. Meyer described her extensive equine career, which included judging Mr. Byatt on several occasions. Ms. Meyer testified that Mr. Byatt was an outspoken advocate for presenting Arabian horses with dignity and was on the forefront of designing class procedures that allow for a more natural showing. He had taken significant stands on issues facing the Arabian industry, and was regarded as one of the most respected handlers. He was outspoken against the practice of inappropriate shanking, and had taken public stances about enforcing the rules in that regard.

The Hearing Committee Panel also reviewed the video from the class that directly followed the shanking incidents. TURISMO RA did not display any signs that would indicate it was scared, intimidated, or had been abused.

Finally, the Hearing Committee Panel considered the affidavit of Richard Petty, a long-standing judge for a number of equine associations. He testified to knowing Mr. Byatt for 40 years without ever observing

Mr. Byatt mistreat a horse. He also testified to a May 20, 2016 conversation with Ms. Lebon in which she indicated that she “was ‘getting pleasure out of the discomfort she was causing’ Mr. Byatt as a consequence of the charges that had been filed.”¹ Ms. Lebon admitted that she knew Mr. Petty, but denied having this conversation or making the remarks attributed to her by Mr. Petty. Ms. Lebon denied that this Charge was the result of any animus against Mr. Byatt on her part.

As it deliberated, the Hearing Committee noted that it often relies on reports of Competition officials concerning actions that were observed at a Competition. However, the documentary evidence and testimony in this case highlighted that there was a significant disconnect between the uncontroverted events here and the reports by the various Competition officials. Specifically, the Hearing Committee Panel was concerned that none of the statements upon which this Charge was based recognized or even mentioned the fact that, minutes before the charged shanking, TURISMO RA reared up and struck at a handler, causing physical injury and necessitating a hard shank to gain control over the horse and prevent further potential injury. Rather, the statements submitted by Proponent are largely silent on the horse’s demeanor or behavior. Even Ms. Lebon’s statement, which comments on the lack of any aggressive behavior, fails to mention the concerning actions of TURISMO RA toward Mr. Colangelo that occurred shortly before the charged acts. If all one read was these statements, one might perceive that Mr. Moreas and Mr. Byatt in quick succession shanked this horse for no apparent reason whatsoever. But that conclusion does not follow when the whole context is considered.

The Hearing Committee Panel agreed that it was not uncommon for colts during the breeding process to rear and strike out. Such behavior is not helped by the pressure-cooker environment at the U.S. Nationals event. With the testimony about TURISMO RA’s behavior leading up to and during this Competition, and the testimony concerning the actual rearing and striking of Mr. Colangelo, the Hearing Committee Panel recognized that it was certainly plausible that the subsequent shanking by Mr. Moreas and Mr. Byatt was in response to repeated aggressive behavior by TURISMO RA that threatened the horse and others around it. That possibility was only strengthened by the testimony about Mr. Byatt’s prior approach to shanking and the fact that this horse displayed no evidence of intimidation or fear when it successfully competed in the ring immediately after the shanking.

¹ Because the Charge was not issued prior to May 20, 2016, the Hearing Committee presumes that this conversation occurred in 2017, with the 2016 reference being a typographical error.

After a previous case that called for direction as to the bounds of proper shanking in Arabian competitions, the Hearing Committee ruled that shanking was allowed “in Arabian Halter classes or competitions only in emergency situations where a horse becomes dangerously unruly and immediate shanking is required in order to regain control of the horse and prevent imminent harm to the horse or others.” If the evidence submitted by Respondent is credited, this is exactly the circumstance here. However, the Hearing Committee Panel did not need to make that determination. Although Proponent presents a largely different view of the events, the fact that the critical evidence about the horse’s rearing and striking of Mr. Colangelo so close in time to the charged shanking was disregarded or minimized by Proponent led the Hearing Committee Panel to conclude unanimously that Proponent failed to meet her burden of proof in this case. Accordingly, this Charge must be dismissed for failure to substantiate.

CONCLUSION

The Hearing Committee ruled unanimously that the allegations in the Charge against Michael Byatt must be dismissed for failure to substantiate.

The ruling of the Hearing Committee is final and effective upon the date set forth below.

Respectfully submitted,

Emily Pratt

Emily Pratt
Secretary to Hearing Committee

Submitted February 13, 2018

CERTIFICATE OF SERVICE

I hereby certify that a copy of the findings and decision of the United States Equestrian Federation, Inc. Hearing Committee has been sent to the below party(ies) on this 13th day of February, 2018 by UPS, Email, or U.S. Priority Delivery.

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EXHIBIT LIST

FEDERATION FILE NUMBER: 2016-50

Wednesday, December 13, 2017 at 8:30 a.m.

Patty Jean Lebon v. Michael Byatt

U.S. National Arabian & Half-Arabian National Championships

October 21-29, 2016

OFFICIAL NOTICES & COMPETITION RECORDS

1. Official Charge Form dated October 28, 2016 (with attachments)
2. Statement from Paul Devroomen dated October 28, 2016
3. Statement from Lance Walters dated October 28, 2016
4. Statement from Tague Johnson dated October 27, 2016
5. Statement from Patricia Hough dated October 27, 2016
6. Statement from Patty Jean Lebon received November 4, 2016
7. Notice of Charge dated November 18, 2016
8. Dismissal Notification dated November 28, 2016
9. Dismissal Ruling letter dated February 17, 2017
10. Notice of Hearing dated March 24, 2017
11. Continuance Notification dated March 30, 2017
12. Continuance Ruling letter dated April 5, 2017
13. Notice of Hearing dated November 3, 2017
14. Email from Kate Berta dated November 3, 2017
15. Alleged Rules Violated
16. Entry Blank & Itemized Bill
17. Steward's Report and Evaluation
18. Prize List for the U.S. National Arabian & Half- Arabian Championship Horse Show
19. 2016 USEF Rider Report for Michael Byatt

PRE-HEARING CORRESPONDENCE AND EVIDENCE SUBMITTED BY PROPONENT

20. Email to Kate Berta from Patty Jean Lebon dated December 9, 2016
21. Email correspondence between Kate Berta, Emily Pratt and Patty Jean Lebon dated March 30- April 4, 2017
22. Email correspondence between Paul Devroomen, Emily Pratt, Patty Lebon, and Kate Berta dated November 28, 2017 (with attachment)
23. Affidavit from Paul Devroomen sworn November 28, 2017

24. Email correspondence between Emily Pratt, Kate Berta, and Patty Jean Lebon dated November 30, 2017 (with attachment)
25. Notarized statement from Tague A. Johnson acknowledged on November 30, 2017
26. Letter to Glenn Petty and Stan Morey from Emily Pratt dated April 27, 2016

PRE-HEARING CORRESPONDENCE AND EVIDENCE SUBMITTED BY RESPONDENT

27. Email to Kate Berta from Michael Byatt dated November 22, 2016 (with attachment)
28. Letter from Alayna M. Mala dated November 20, 2016
29. Letter from Cathy Vincent dated November 20, 2016
30. Letter from Emily Johnson dated November 20, 2016
31. Letter from Megan LeDuc, dated November 20, 2016
32. Email to Michael Byatt from Greg Gallun dated November 21, 2016
33. Letter from Austin Colangelo received November 22, 2017
34. "The USEF Ruling On Shankin- A Conversation with Michael Byatt" by Cindy Reich, Arabian Horse World, December 2016
35. Email to Kate Berta from Michael Byatt dated December 9, 2016
36. Email to Kate Berta from Michael Byatt dated December 15, 2016
37. Email to Kate Berta from Denise Shannon dated March 28, 2017 (with attachment)
38. Letter to Emily Pratt from Michael Byatt dated March 28, 2017
39. Email correspondence between Emily Pratt, Kate Berta, Michael Byatt and Denise Shannon dated April 4-21, 2017
40. Email to Kate Berta from Pam Woodall dated May 19, 2017 (with attachment)
41. Letter to Kate Berta from Thomas Miller dated May 19, 2017
42. Email correspondence between Barbara Sherrow, Emily Pratt, Elliott Miller, Tom Miller, and Kate Berta dated November 9, 2017 (with attachment)
43. Letter to Emily Pratt from Thomas Miller dated November 6, 2017
44. Michael Byatt's Prehearing Statement received November 30, 2017
45. Exhibit and Witness list submitted by Thomas Miller received November 30, 2017 (with attachments)
46. Notarized Affidavit from Silvio Moraes dated April 5, 2017
47. Notarized Affidavit from Austin Colangelo dated April 5, 2017
48. Notarized Affidavit from Robert Cass dated April 5, 2017
49. Notarized Affidavit from Brian Ferguson sworn on November 15, 2017
50. Notarized Affidavit from Greg Gallun sworn on April 3, 2017
51. Notarized Affidavit from Cathy Vincent sworn on April 3, 2017
52. Notarized Affidavit from Alayna Mala sworn on April 3, 2017
53. Notarized Affidavit from Richard Petty sworn on November 10, 2017
54. Email correspondence between Kate Berta, Michael Byatt, and Patty Jean Lebon dated November 22-28, 2016
55. Email correspondence between Kate Berta, Michael Byatt, Patty Jean Lebon dated December 9-15, 2016 (with attachment)
56. "The USEF Ruling On Shankin- A Conversation with Michael Byatt" by Cindy Reich, Arabian Horse World, December 2016 (see 34)
57. Continuance Notification dated March 30, 2017 (see 11)
58. Email to Kate Berta from Patty Jean Lebon dated December 9, 2016 (see 20)
59. Video
60. Results from class 978 – Arabian Futurity Colt CH FNL

61. Official Charge Form dated October 28, 2016 (with attachments) (see 1)
62. Statement from Paul Devroomen dated October 28, 2016 (see 2)
63. Statement from Lance Walters dated October 28, 2016 (see 3)
64. Statement from Tague Johnson dated October 27, 2016 (see 4)
65. Statement from Patricia Hough dated October 27, 2016 (see 5)
66. Statement from Patty Jean Lebon received November 4, 2016 (see 6)
67. Notice of Charge dated November 18, 2016 (see 7)
68. Letter to Glenn Petty and Stan Morey from Emily Pratt dated April 27, 2016 (see 26)
69. Commissioner's Letter to: AHA Judges/Stewards/Exhibitors/Members from Stan Morey
70. USEF AR 113-117 Rules (2017 USEF Rule Book)
71. USEF Chapter 8, GR835-840 Rules (2017 USEF Rule Book)
72. Photos