

In the matter of the Canadian Anti-Doping Program;

And in the matter of an anti-doping rule violation by Stephen Welsh asserted by the Canadian Centre for Ethics in Sport;

Reasoned Decision

Summary

1. The Canadian Centre for Ethics in Sport (CCES) received credible information that implicated Mr. Stephen Welsh (“the athlete”) in doping activity. Specifically, it was alleged that the athlete was in possession of EPO and other doping products.
2. The CCES commenced an investigation into the allegations. The CCES also interviewed the athlete as part of the investigation. At the conclusion of the investigation, the CCES asserted an anti-doping rule violation (Possession) against the athlete.
3. Following receipt of the CCES’ assertion of an anti-doping rule violation for the possession of three prohibited substances, the athlete promptly admitted the violation, agreed to the Prompt Admission sanction reduction approved by WADA and CCES and waived his right to a hearing.

Jurisdiction

4. The CCES is an independent not-for-profit organization incorporated under the federal laws of Canada that promotes ethical conduct in all aspects of sport in Canada. The CCES also maintains and carries out the CADP, including providing anti-doping services to national sport organizations and their members.
5. As Canada’s national anti-doping organization, the CCES is in compliance with the World Anti-Doping Code (Code) and its mandatory International Standards. The CCES has implemented the Code and its mandatory International Standards through the CADP, the domestic rules which govern this proceeding. The purpose of the Code and of the CADP is to protect the rights of athletes to fair competition.
6. The athlete is a member of Cycling Canada and participates in the sport of Cycling at Cycling Canada sanctioned events. According to Part C, Rule 1.3 of the CADP, the CADP provisions apply to all members of, and participants in the activities of, sport organizations adopting it. The CADP was issued for adoption by Canadian sport organizations on October 1, 2014, to be operational on January 1, 2015. Cycling Canada adopted the CADP on October 25, 2014. Therefore, as a member of Cycling

Canada and/or as a participant in Cycling Canada sport activities, the athlete is subject to the Rules of the CADP.

Investigation

7. On March 5, 2015 the CCES was contacted by phone and email and provided with credible information implicating the athlete in doping activity. It was reported to CCES, and others, that the athlete was in possession of EPO and various other doping substances. An investigation was immediately commenced by CCES.
8. The CCES interviewed the individuals who had contacted CCES and evaluated all physical evidence provided. It was determined, in summary, that the athlete had ordered doping substances from an online site. The products were shipped to the athlete's residence in Arizona (where he was training) from the Ukraine. The envelope sent from Ukraine was discovered and the contents were seen. The athlete purchased and was in actual physical possession of the banned substances. The athlete, when confronted with these facts, initially denied any involvement or knowledge of the shipment from Ukraine and its contents.
9. The athlete returned home to Canada the following day.
10. In a subsequent interview with the athlete in Toronto where he was confronted with a summary of the results of the CCES' ongoing investigation, the athlete truthfully admitted to the CCES that he had indeed ordered the drugs, which he had immediately regretted. The online order was for EPO, Testosterone and Clenbuterol. Payment was by way of a Western Union money transfer. The athlete attempted to intercept the envelope without it being detected so he could to destroy the contents. However, once the envelope was discovered, the drugs were removed from the home and were destroyed. They were never used.

Results Management

11. On June 2, 2015, the CCES formally asserted a violation against the athlete for the possession of prohibited substances.
12. In accordance with CADP Rule 10.2, the standard sanction for an intentional doping violation involving the possession of prohibited substances is a four (4) year period of ineligibility. The CCES proposed the standard four (4) year sanction within its assertion of June 2, 2015.

Confirmation of Violation and Sanction

13. In response to the CCES' assertion, the athlete promptly admitted to the anti-doping rule violation in accordance with CADP Rule 10.6.3. When an athlete facing a four (4) year period of ineligibility promptly admits a violation in accordance with CADP

Rule 10.6.3, the athlete, upon the approval of WADA and CCES, may be eligible for a reduction in the standard sanction from four (4) years down to a two (2) year period of ineligibility, depending on the “seriousness” of the athlete’s violation and the athlete’s own “degree of fault” for their violation. In other words, an actual sanction reduction of up to two years is possible – provided the Tribunal hearing is also waived.

14. Following a careful review of all available information regarding the athlete’s possession of the three prohibited substances, including an evaluation of the “seriousness” of the violation and the athlete’s “degree of fault” for the violation, WADA and CCES agreed to reduce the otherwise applicable period of ineligibility by one (1) year, to a three (3) year period of ineligibility.

15. The factors that were considered relevant to the potential Prompt Admission sanction reduction included the following:

- The athlete purchased from a web based supplier in Ukraine the following products: EPO, Testosterone and Clenbuterol. The athlete ultimately wished to tell the truth to CCES and, when confronted by CCES, admitted to purchasing the drugs. The admission was prior to a violation being asserted.
- The athlete is 20 years old. He outlined to CCES in some detail his physical condition and mental state prior to making the purchase decision. He was not in Arizona as part of a team, with a coach or in a structured training environment.
- The athlete is not an elite cyclist and is not in the Canadian cycling National Athlete Pool.
- The athlete anticipated the package containing the drugs to arrive in the mail at his home in about 10 days.
- The athlete immediately regretted his decision to purchase the drugs. He attempted to get possession of the package from the mailbox with no one discovering it and the contents. He watched the mailbox constantly. Time passed and the package did not come. His intention was to get possession of the shipment arriving in the mail with no one learning the contents of the package and to immediately destroy the drugs and to not use them.
- The athlete had no idea with whom to talk regarding this situation or to discuss how to resolve his dilemma once he sent the money transfer. Accordingly, he was in significant mental and emotional distress.
- The package from Ukraine containing the drugs arrived in the mail after about 30 days. The envelope was discovered in the mailbox when the athlete was out riding.
- The athlete never used the drugs that were purchased. All were destroyed either on the day of receipt (Clenbuterol) or the day after receipt (EPO, Testosterone).
- The athlete has never used performance enhancing drugs.
- The decision to purchase the drugs was a huge mistake, made in a moment of weakness, which the athlete sincerely regrets.

16. CCES believes (and has no evidence to the contrary) that the athlete has never used banned drugs and that the three drugs that he admitted buying were, in fact, destroyed. As such, the “seriousness” of the Possession violation (the fact of buying the banned drugs) is somewhat reduced from the situation whereby a person both purchases and then either uses or supplies to a third party the banned drugs in his possession. Other mitigating factors include the athlete’s relatively young age, that he tried to intercept the package so that the drugs could be destroyed, that he was isolated and training alone in Arizona when he made the purchase decision.
17. Aggravating factors included the fact that the three drugs bought from Ukraine are potent performance enhancing agents – were they to be used.
18. On July 2, 2015, in response to the CCES’ assertion, the athlete waived his right to a hearing thereby accepting a three (3) year period of ineligibility (as proposed by WADA and CCES in accordance with CADP Rule 10.6.3) which commenced on July 2, 2015 and concludes on July 2, 2018.
19. The CCES now considers this case closed.

Dated at Ottawa, Ontario this 8th day of July, 2015.



Jeremy Luke
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CCES