

IMPORTANT NOTE: *This version is a translation of the original French version.*

SDRCC No: DT 11-0162

**SPORT DISPUTE RESOLUTION CENTRE OF CANADA
(SDRCC)
PROVINCE DE QUÉBEC
CANADA**

**By e-mail
January 19, 2012**

CANADIAN CENTRE FOR ETHICS IN SPORT (CCES)

and

JIMMY GARIÉPY

and

**GOVERNMENT OF CANADA
WORLD ANTI-DOPING AGENCY (WADA)**

**Arbitrator:
François Tremblay**

DECISION

On December 23, 2011, upon hearing the parties present during a conference call, I concluded that the party of primary interest, Mr. Jimmy Gariépy, had no intention of testifying or producing any document whatsoever in support of his defence.

However, before issuing a decision, by default, the arbitrator must weigh the evidence in accordance with Section 7 of "*Doping Violations and Consequences Rules*" and with the *Canadian Anti-Doping Program (CADP)*. The object is to determine if the defendant, Jimmy Gariépy, committed an anti-doping rule violation (trafficking and administration) and, if so, to establish the consequences of such violation.

In substantiating a violation of anti-doping rules, the law firm Langlois Kronström Desjardins rightfully argued that Mr. Jeremy Luke's affidavit of January 11, 2012 and its exhibits clearly demonstrate that the *Canadian Centre for Ethics in Sport (CCES)* discharged itself of the burden of proof required under Sections 7.36 and 7.37 of the CADP to prove the anti-doping rule violation.

In fact, Mr. Jeremy Luke's affidavit and its exhibits establish, among other things, that:

1- Ms. Caroline Pyzik, a taekwondo athlete aged 16 at the time, met with Gariépy, in his role as trainer, from September 2010 to prepare for the Canadian Championships to be held in January 2011. Gariépy worked at the Rawdon gym where Caroline Pyzik was training;

2- Pyzik and Gariépy established a relationship of trust;

3- A few weeks prior to the Canadian Championships, Pyzik enquired with Gariépy about over-the-counter products that could help her safely manage her weight within her target category, while specifying she did not want a doping product.

4- Gariépy confirmed that he could provide a safe pill to be taken 2 or 3 days before the competition in order to maintain her weight.

5- Gariépy handed her a half-portion of an orange-colored pill, without any packaging. He instructed her to take the pill the

Thursday prior to the competition. She did not think that it could be any different from Tylenol, a medication she had used in the past.

6- On January 30, 2011, Caroline Pyszik was subject to an anti-doping control during the Canadian Championships and the analysis of the collected sample revealed the presence of prohibited diuretics (triamterene and hydrochlorothiazide);

7- Based on the above facts, Arbitrator Patrice Brunet issued a decision with respect to case number SDRCC DT 11-0146, whereby Pyszik was imposed a period of two (2) years of ineligibility;

8- During the hearing of case SDRCC DT 11-0146, Gariépy in essence admitted to the above facts. He confirmed obtaining the half-pill which contained prohibited substances and giving it to Pyszik.

On October 25, 2011, CCES filed a notification with the SDRCC asserting an anti-doping rule violation against Gariépy.

Finally, it should be mentioned that the defendant Gariépy did not submit evidence or arguments to disprove CCES' allegations and claims. Although he was given or served several notices and

warnings, it became clear that Mr. Gariépy was not interested in providing his version of the facts.

Under section 7.40 of the CADP, a first violation of sections 7.36 and 7.37 results in a period of ineligibility of a minimum of four (4) years. The CCES is correct in requesting a five (5) year suspension for Gariépy under Section 7.40 of the CADP. It should also be noted that, under Section 7.40 of the CADP, an anti-doping rule violation involving a minor is considered a particularly serious violation.

In this case, the athlete was a minor aged 16 at the time of the events. Gariépy was an athlete support personnel and had, as a trainer, the benefit of additional credibility with the athlete. She was suspended for a period of two (2) years. Gariépy demonstrated strong disregard in caring for the 16-year old athlete.

Accordingly, the decision in this case must be a clear expression of denunciation and deterrence. A minimal sanction would not fulfil these objectives.

CONCLUSION

FOR THESE REASONS, there is sufficient evidence to conclude that the *Canadian Centre for Ethics in Sport* (CCES) has demonstrated that Gariépy violated the *Canadian Anti-Doping Program* (CADP).

Accordingly, Mr. Jimmy Gariépy is hereby subject to an ineligibility period of five (5) years as of January 19, 2012.

I award no costs in this matter.

François Tremblay, SDRCC Arbitrator