

SA INSTITUTE FOR THE DRUG SPORT (SAIDS)  
ANTI DOPING DICIPLINARY HEARING

ATHLETE: MR WAYNE COLLIN

SPORTS FEDERATION: CYCLING SA

DATES OF HEARING: 1 NOVEMBER 2012, 16 JULY 2013, 16 SEPTEMBER 2013

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DISPLINARY HEARING: HOLIDAY INN EXPRESS UMHLANGA  
2 NCONDO PLACE  
UMHLANGA

DISPLINARY HEARING: MR. SIVEN SAMUEL (CHAIRPERSON AND LEGAL REPRESENTATIVE)  
MS. BEVERLEY PETERS  
DR. GLEN HAGEMANN

PROSECUTOR: ADVOCATE NICOLAS KOCK

CYCLING SA: MIKE BRADLEY – VICE PRESIDENT CYCLING SA

ANTI-DOPING RULE VIOLATION: ANTI-DOPING RULE VIOLATION IN TERMS OF ARTICLE 21 OF  
THE ANTI-DOPING REGULATIONS OF THE UNION CYCLISTE INTERNATIONALE

## APPLICABLE LAW

SAIDS is an independent body established under Section 2 of the South African Institute for Drug Free Sports Act 14 1997 (as amended). SAIDS has formally accepted the World Anti-Doping Code adopted and implemented by the World Anti-Doping Agency in 2003. In doing so, SAIDS introduced anti-doping rules and regulations to govern all sports under the jurisdiction of the South African Sports Confederation and Olympic Committee, as well as any national sport federation. The SAIDS Anti-Doping Rules ("the Rules") was adopted and implemented in 2009. The proceedings are therefore governed by the Rules. This SAIDS Anti-Doping Disciplinary Panel has been appointed in accordance with Article 8 of the Rules, to adjudicate whether the athlete has violated the said Rules, and if so the consequences of such violation.

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Union Cycliste Internationale (UCI) is the international body that has been established to regulate the sport of cycling. The UCI has adopted anti-doping regulations of its own. In terms of its regulations the UCI may direct that, even though the sample collection was initiated by an anti-doping organization in a particular country that the hearing be conducted according to its (UCI) regulations and the alleged violation in this matter was dealt with accordingly to the UCI regulation.

## PROCEDURAL MATTERS

1 NOVEMBER 2013

On the 1<sup>st</sup> November 2012, the athlete was represented by Advocate Sydney Alberts. Prior to the hearing Advocate Sydent Alberts and Advocate Nic Kock, who represents SAIDS held lengthy discussions pertaining to the matter. When the matter commenced Advocate Sydney Alberts (on behalf of the athlete) raised various areas of dispute pertaining to the processes involved in the collection and analysis of the specimen sample.

It was submitted by Advocate Sydney Alberts that if the hearing was adjourned he would approach SAIDS for the relevant documentation. This would assist in defining and limiting the issues in dispute and curtailing the proceedings. The panel suggested that the legal councils get together and exchange information prior to the next hearing and an adjournment was granted to the athlete. The proceeding was then adjourned.

16 JULY 2013

The hearing recommenced on the 16<sup>th</sup> July 2013. The athlete was once again represented by Advocate Sydney Alberts. The Advocates representing the athlete and SAIDS had discussions. The athletes Advocate advised the panel that they had not received certain documents from SAIDS. The panel was informed that a request was made to SAIDS for documents. SAIDS was not given sufficient time to comply with the request. The panel expressed its dissatisfaction at the matter being prolonged and granted the adjournment on the specific basis that both the athlete and SAIDS would comply with the time limits prescribed by the panel. The hearing was then adjourned.

16 SEPTEMBER 2013

The hearing then recommenced to the 16<sup>th</sup> September 2013. The charge against the athlete was described as follows:

*"You have been charged with an anti-doping rule violation in terms of Article 21 of the Anti-Doping Regulations of the Union Cycliste Internationale (UCI).*

*On the 01 April 2012, you were provided a specimen sample (2634279) during an in-competition test. Upon analysis, the South African Doping Control Laboratory at the University of Free State reported the presence of prohibited substances in your specimen sample. The substances identified were: the Anabolic Agent, Boldenone and its metabolite, 5 $\beta$ -androst-1-ene-17 $\beta$ -ol-3-one as well as Diuretic Hydrochlorothiazide. Boldenone is categorized under Class S1 "Anabolic Agents" in specific (a) Exogenous Anabolic Androgenic Steroid, while Hydrochlorothiazide is classified under Class S5 "Diuretics and Other Masking Agents" on the World Anti-Doping Code 2012 Prohibited List International Standard."*

The athlete indicated, through his Advocate that he understood the charges and he pleaded guilty to the charges. The Advocate further conceded on behalf of the athlete that the athlete was not disputing the fact that the specimen sample was properly taken by duly authorized personnel and the sample taken from the athlete was correctly handled and properly analyzed and that the results are as per the analysis report submitted by SAIDS to the athlete. At this stage the following documents were admitted into evidence:

1. "A1" and "A2" being the initial frame of charge.
2. "B" being the analysis report.

3. "C" the doping control form.
4. "D" being the chain of custody form.
5. "E" the courier documents of the sample.
6. "F1", "F2", "F3", "F4", "F5", "F6", "F7", "F8" and "F9" were correspondences and emails.
7. "G1", "G2" and "G3" being the blood sample report.

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8. "H" a letter from the psychologist.
9. "I" being emails from the athlete.
10. "J1" and "J2" being the amended charge sheet.

The athlete admitted all of the above documents. The athlete specifically admitted the correctness of these documents and confirmed that the documents purported to be what they were and he also admitted that the contents of the documents were correct in all material respects, especially those documents which were pertinent to the collection and the analysis of specimen sample from him on the day in question. These documents were accordingly accepted as evidence in the hearing.

The athlete then gave an explanation for his plea of guilty. The athlete in his plea, indicated that the race that he competed in, had 7 stages. Each stage was completed on a separate day. The athlete had no problems for the first 3 days. On the fourth day the athlete collapsed at the finish because it was very hot. The athlete believed that he was dehydrated. He was taken into a Medi Clinic. Tests were done on him. The athlete submitted a report from Medi Clinic which reflected his medical condition (exhibit "K"). He indicated that some blood was taken from him and he was treated by a young doctor. He was put on a drip. He was delirious. He believes that about a litre saline went through his system. He walked out the Medi Clinic feeling fine. He, however, began to feel uncomfortable in his stomach and he was unable to breathe. He thought he had an acid problem in his upper gut. His speed during the race was drastically reduced. It took him between 9-10 hours to finish the 4<sup>th</sup> leg of the race. After the race he felt extremely uncomfortable. His ankles were swollen. He asked the wife of a fellow athlete, to

give him some medication to help him lose the fluid. The lady gave him some medication which he did take. He indicated that at this stage it was a desperate measure. He knew it was a diuretic but he did not take it to mask anything. It was taken to get rid of the fluids. The athlete indicated that he had earlier consumed a product given to him by a pharmacist pursuant to a script given to him by a doctor. He acknowledged that the product he had sourced was a "grey". Implying that it was a product that he was unsure of but nevertheless took it.

The athlete was questioned by Advocate Kock and the members of the disciplinary panel.

#### DISCUSSIONS ON THE EVIDENCE AND ARGUMENTS

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Article 21 of the UCI Cycling Regulations reads as follows:

The following constitute anti-doping rule violations:

1. *The presence of a Prohibited Substance or its Metabolites in a Rider's bodily Specimen.*

*1.1 It is each Rider's personal duty to ensure that no Prohibited Substance enters his body. Riders are responsible for any Prohibited Substance or its Metabolites or Markers found to be present in their bodily Specimens. Accordingly, it is not necessary that Intent, fault, negligence or knowing Use on the Rider's part be demonstrated in order to establish an anti-doping violation under article 21.1.*

*Warning:*

*1) Riders must refrain from using any substance, foodstuff, food supplement or drink of which they do not know the composition. It must be emphasized that the composition indicated on a product is not always complete. The product may contain prohibited Substance not listed in the composition.*

*2) Medical treatment is no excuse for using Prohibited Substances or Prohibited Methods, except where the rules governing Therapeutic Use Exemptions are complied with.*

*1.2 Sufficient proof of an anti-doping rule violation under article 21.1 is*

*established by either of the following: presence of a Prohibited Substance or its Metabolites or Markers in the Rider's A Sample where the Rider waives analysis of the B Sample and the B Sample is not analyzed; or, where the Rider's B Sample is analyzed and the analysis for the Rider's B Sample confirms the presence of the Prohibited Substance or its Metabolites or Markers found in the Rider's A Sample.*

*1.3 Excepting those substances for which a quantitative threshold is specifically identified in the Prohibited List, the presence of any quantity of a Prohibited Substance or its Metabolites or Markers in a Rider's Sample shall constitute an anti-doping rule violation.*

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*1.4 As an exception to the general rule of article 21.1, the Prohibited List or International Standards may establish special criteria for the evaluation of Prohibited substances that can also be produced endogenously.*

*1.5 The presence of a Prohibited Substance or its Metabolites consistent with the provision of an applicable Therapeutic Use Exemption issued in accordance with present Anti-Doping Rules shall not be considered an anti-doping rule violation.*

*2. Use or Attempted Use of a Prohibited Substance or a Prohibited Method.*

*2.1 It is each Rider's personal duty to ensure that no Prohibited Substance enters his or her body and that he does not Use any Prohibited Method. Accordingly, it is not necessary that intent, fault, negligence or knowing Use on the Rider's part be demonstrated in order to establish an anti-doping rule violation for Use of a Prohibited Substance or a Prohibited Method.*

**THE EVIDENCE AND ARGUMENT**

In view of the fact that the athlete pleaded guilty and did not challenge any of the averments or documents presented at the hearing, they were accepted by the board to represent what they purported to be. It was clear to the board that the athlete had consumed two products which were in his system and he was accordingly found guilty of the charge.

In reviewing the above the sanction on finding of guilty is as follows:

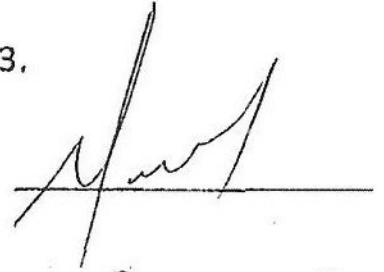
The athlete is ineligible to participate in any organized sport, club, or higher level for a period of 24 months, which period commences on the 25<sup>th</sup> April 2012, being the date upon which the athlete was notified of the adverse analytical findings up until the 24<sup>th</sup> April 2014.

The sanction was imposed in view of the fact that the athlete had not participated in any sport since the receipt of the letter advising him of the adverse finding.

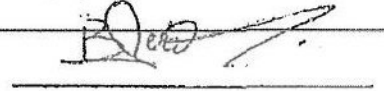
South African Institute for Drug-Free Sport (SAIDS)  
Disciplinary Panel

DATED AT DURBAN ON THIS 16<sup>TH</sup> OCTOBER 2013.

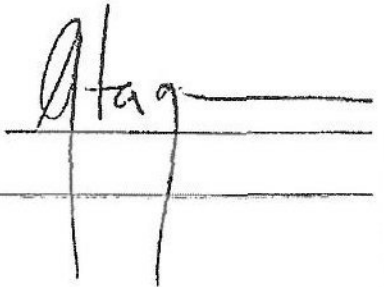
SIVEN SAMUEL (Chair)

A handwritten signature in black ink, appearing to be 'Siven Samuel', written over a horizontal line.

BEVERLY PETERS

A handwritten signature in black ink, appearing to be 'Beverly Peters', written over a horizontal line.

GLEN HAGEMANN

A handwritten signature in black ink, appearing to be 'Glen Hagemann', written over a horizontal line.