



3rd June 2017

Athlete: Michael Pawlowski

Sport: Cycling

Address: [...]

[...]

Switzerland

Dear Mr. Pawlowski

EVADING, REFUSING OR FAILING TO SUBMIT TO SAMPLE COLLECTION

The telephonic conversations and written correspondence between your legal representative, Mr. Adri Brand and Ms. Wafeekah Begg from the South African Institute for Drug-Free Sport refers:

That you, the undersigned Michael Pawlowski:

1. Acknowledge that you have violated **Article 2.3** of the SAIDS Anti-Doping Rules 2015 viz. Evading, Refusing or Failing to Submit to Sample Collection at an in-competition test held on 3rd March 2016;
2. Waived your right to a hearing in terms of **Article 8.2** of the SAIDS Anti-Doping Rules 2015 and accept all consequences resultant from the violation.
3. Acknowledge that **Article 8.5** of the 2015 SAIDS Anti-Doping Rules states as follows ***“An Athlete or his legal representative may enter into a plea bargain arrangements on his behalf, with the aim of diverting the matter from the disciplinary proceedings”***.

The South African Institute for Drug-Free Sport finds you guilty of a transgression in terms of **Article 2.3** of the SAIDS Anti-Doping Rules 2015 and that you will serve:

- i. a period of ineligibility of **one (1) year** from competing in all sport. Accordingly, you are prohibited from competing in any organised sport until and including the **31st May 2018**.
- ii. a period of ineligibility for competing in the Cape Rouleur cycle race for the 2018 and 2019 year.
- iii. The periods referred to in (i) and (ii) above shall commence on 1st June 2017 and run concurrently.

We wish to bring to your attention that the World Anti-Doping Agency (WADA) was unable to approve your Plea Bargain Request and reserves its rights in terms of Article 13.2.3 of the World Anti-Doping Code, the right to appeal the Plea Bargain.

In terms of your ineligibility, I would like to refer you to **Article 10.11 Status During Ineligibility** of the SAIDS Anti-Doping Rules 2015, indicated below:

10.11.1 Prohibition Against Participation During *Ineligibility*

No *Athlete* or other *Person* who has been declared *Ineligible* may, during the period of *Ineligibility*, participate in any capacity in a *Competition* or activity (other than authorised anti-doping education or rehabilitation programs) authorised or organised by any *Signatory*, *Signatory's* member organisation, or a club or other member organisation of a *Signatory's* member organisation, or in *Competitions* authorised or organised by any professional league or any international or national level *Event* organisation or any elite or national-level sporting activity funded by a governmental agency.

An *Athlete* or other *Person* subject to a period of *Ineligibility* longer than four (4) years may, after completing four (4) years of the period of *Ineligibility*, participate as an *Athlete* in local sport events not sanctioned or otherwise under the jurisdiction of a *Code Signatory* or member of a *Code Signatory*, but only so long as the local sport event is not at a level that could otherwise qualify such *Athlete* or other *Person* directly or indirectly to compete in (or accumulate points toward) a national championship or *International Event*, and does not involve the *Athlete* or other *Person* working in any capacity with *Minors*.

An *Athlete* or other *Person* subject to a period of *Ineligibility* shall remain subject to *Testing*.

Return to Training: The **WADA 2015 CODE under Article 10.11.2** makes the following concession with regards to training i.e. that an Athlete may return to train with a team or to use the facilities of a club or other member organization of SAIDS's member organization during the last two months of a sanction that is longer than 8 months, therefore in this case the Athlete may commence training with his club from **30th March 2018**. Furthermore, the WADA Code and SAIDS Rules state that all Athletes who are serving a period of ineligibility shall remain subject to testing.

Public Disclosure: In accordance with the WADA Code and SAIDS Rules, and after the 21 days for an appeal for persons entitled to do so has lapsed after the date of signing this settlement agreement, SAIDS is obliged to publicly disclose the following information by posting it on its website i.e. the anti-doping rule violated, the name of the athlete, the name of his federation, the prohibited substance, and the consequences imposed.

Testing During your Period of Suspension: Please see documentation, which will follow in due course.

Furthermore, please read the section at the end and if you agree with the contents of this correspondence, complete and e-mail to Wafeekah Begg at the following details: wafeekah@suids.org.za by **Friday, 9th June 2017**.

In conclusion, I would like to remind you that this decision by the SAIDS Independent Doping Hearing Panel has the right to be appealed by the persons entitled to do so as per **Article 13 "Appeals"** of the SAIDS Anti-Doping Rules 2015. **Please note that all parties have twenty-one (21) days after receipt of this correspondence to lodge their appeal. The appeal fee is R1000.00**

Please let me know whether you have any further questions or queries.

Yours Sincerely

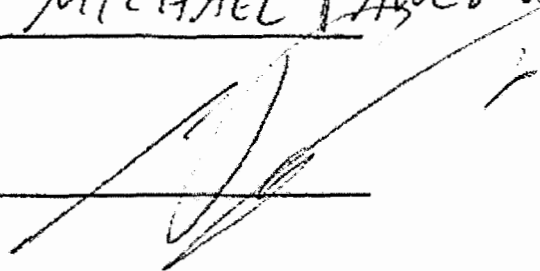
Wafeekah Begg
Legal Manager

CC: Mr. William Newman
Ms. Cynthia Huber
Ms. Tharinda Puth

CSA
UCI
WADA

I, Michael Pawlowski, accept the decision recorded above as rendered by the South African Institute for Drug-Free Sport.

Print Name MICHAEL PAWLOWSKI

Signature 

Date 3rd June 2017