

Before the American Arbitration Association

Arbitration Tribunal

United States Anti-Doping Agency,

Claimant

Raymond Stewart,

Respondent

Judge James Murphy, (ret.) Arbitrator

Hearing: In person hearing held June 2, 2010 in Dallas, Texas

Case Number: 77 190 110 10 JENF

Appearances: Raymond Stewart, pro se

William Bock III, General Counsel, USADA

Stephen A. Starks, Legal Director, USADA

Raymond Stewart is a coach of track and field athletes responsible for train, coaching and guiding athletes in preparation for elite competition. He is a five time Olympic sprinter who competed for the nation of Jamaica. He has won silver medals in the World Athletics Championships twice and the bronze medal in the Commonwealth Games. Upon retirement from active competition he settled in Fort Worth, Texas. His retirement followed attempts to qualify for the Jamaican team and qualify for the Goodwill Games in Australia in 2001. Thereafter, he was responsible for the coaching and training of elite athletes Jerome Young, J.J. Johnson, Kenny Brokenburr and Beverly McDonald who became his wife. Stewart claims he quit coaching all athletes but his wife in 2004. He created a website, Ray's Sportswild which offered expert personal training to track and field athletes. His training includes strength training, weight management, body stability, rehabilitation and nutrition training. His website explains his fee arrangements, commission structure and travel expense arrangements. His commission structure requires agreement to pay him a 10% coaching commission fee for each track meet, sponsorship and on all endorsements.

Despite his claim of retirement from coaching in 2004, the website was created in 2006 and the domain name and copyright date from 2008. In November of 2005, J.J. Johnson identified Stewart as his coach on his USATF biography.

Stewart met Angel Memo Heredia, hereinafter identified as Memo, in 1997. Stewart was training himself and Beverly McDonald at that time while living in Dallas, Texas. The Heredia family owns and operates the Chopo laboratory in Mexico City, Mexico. Stewart maintained a relationship with Memo from 1997 to 2006. Memo is an admitted drug dealer. He has co-operated with the United States government in the criminal prosecution of Coach Trevor Graham, a former Jamaican sprinter and has identified two dozen elite athletes to whom he has provided performance-enhancing drugs (PEDs). He has committed to assist USADA in a number of doping prosecutions. Two other former clients of Memo, Crystal Cox and Garfield Ellenwood admitted that they secured PEDs from him.

Through the testimony of Memo and Stewart, USADA seeks to prove that Raymond Stewart engaged in an ongoing practice of procuring PEDs and using those drugs in a training program designed to enhance the performance of athletes under his guidance and supervision. Stewart is charged with trafficking or attempted trafficking and administration or attempted administration of PEDs including encouraging, aiding, abetting, covering up or any other type of complicity in an anti-doping rule violation or attempted anti-doping rule violation. In the event of prevailing on the charges, USADA seeks the imposition of a lifetime period of ineligibility.

Linda Barnes, testing results manager of USADA, initially communicated notice of pending action to Stewart on November 4, 2004. This letter outlined the evidence in the possession of USADA, which was forwarded to the USADA anti-doping review board for determination of further adjudication.

On December 16, 2009, Ms. Barnes communicated to Stewart the determination by USADA of finding sufficient evidence of anti-doping violations and recommendation by the review board to proceed as provided in the USADA protocol. Specifically Stewart is charged with violations of WADA Sections 2.7 and 2.8.

WADA Section 2.7 identifies a doping violation for trafficking in any prohibited substance or prohibited method.

WADA Section 2.8 identifies a doping violation of administration or attempted administration of a prohibited substance or prohibited method to any athlete or assisting, encouraging, aiding, abetting, covering up or any other type of complicity involving an anti-doping rule violation or attempted violation.

WADA Article 3.1 establishes the burdens and standards of proof herein.

The Anti-doping Organization shall have the burden of establishing that an anti-doping violation has occurred. The standard of proof shall be whether the Anti-doping Organization has established an anti-doping rule violation to the comfortable satisfaction of the hearing panel bearing in mind the seriousness of the allegation, which is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt. Where the code places the burden of proof upon the Athlete or other person alleged to have committed an

anti-doping rule violation to rebut a presumption or establish specified facts or circumstances, the stand of proof shall be by a balance or probability.

WADA Article 3.2 provides methods of establishing facts and presumptions.

Facts relating to anti-doping violations may be established by any reliable means, including admissions.

Rule R-28(a) of the American Arbitration Association Supplementary Procedures for the Arbitration of Olympic Sports Doping Disputes provide: The parties may offer such evidence and material as is relevant and material to the dispute and shall produce such evidence as the arbitrator may deem necessary to an understanding and determination of the dispute. Conformity to the legal rules of evidence shall not be necessary.

It is clear to the arbitrator that all evidence produced at the June 2, 2010 hearing is admissible and no exception was taken to the offer to admit any evidence. It all may be considered in determining whether USADA has established anti-doping violations to the comfortable satisfaction of the arbitrator.

The USADA case in chief centered on the testimony of Angel Memo Heredia, a member of the Mexican 1996 pre-Olympic team, Pan-Am Games team and participant in the 2000 Olympic trials as a discus thrower. He is a graduate of Texas A&M University-Kingsville. He was awarded a Bachelor of Science in Science and in Physiology and a health minor.

Memo met Trevor Graham in 1996 and admittedly, under oath testified that he provided drugs to Coach Graham. He testified to these facts in the successful criminal prosecution of Graham. Memo met Raymond Stewart in 1997. Stewart came to Laredo in 1997 to establish a base line for performance enhancing drugs and for testing procedures. Memo and Stewart travelled to the Chopo Laboratories owned by Memo's father in Mexico City in November 1997. From November 18-November 22 Stewart engaged in extensive testing including blood and urine testing and subsequently a doping program for his use ensued. Deficiencies in his system were noted in test results and remediation was prescribed. Stewart was provided EPO, Winstrol, clenbuterol, dianabol, testosterone, insulin, IGF1, and creams over the period of their association. Memo testified that he advised Stewart what to take, what to provide to athletes he coached and how to get the PEDs.

In 2003 Memo suggested to Kenny Burkenburr, JJ Johnson, and Jerome Young whom were all training in North Carolina that they should come to Texas to be coached by Stewart. They were advised that drugs that he could provide to Stewart could be used in their training regimen. He offered testosterone, EPO and growth hormone as part of the Stewart training program. Jerome Young submitted and secured payment for a coaching stipend from USATF to Stewart for coaching him in 2004. On August 15, 2003, a fed ex package weighing 4 pounds was received at Stewart's Fort Worth address. The sender was listed as G. Salazar, who is Memo's father, owner of the Chopo Lab in Mexico City. The sender address was listed as

Laredo Texas, Memo's home. Memo testified that he send this package which included a cold pack, EPO, IGF1, and growth hormone for J.J. Johnson.

USADA provided checks and Western Union Money orders from Stewart to Memo, which Memo identifies as payment for performance enhancing drugs for his athletes. On September 6, 2000, the account of Raymond Stewart and Beverly McDonald paid \$240 for what Memo identified as the purchase of injectible Winstrol, a PED for use by Beverly.

Two extensive conversations between Memo and Stewart were taped on September 2, 2006 while Memo was cooperating with federal prosecutors. A review of both the tapes and the transcripts thereof provide detailed discussions between these men and demonstrates the detailed understanding of the use and effect of PEDs and the dangers of the use of insulin including a possible diabetic coma and death. They also discussed the protocols to be used in the administration of Humalog, an insulin product. The discussion included Memo advising Stewart on the doping regimen for training Jerome Young who won the World Championship under Stewart's guidance and was later sanctioned for the use of PEDs while training with Stewart.

In April 2004, Stewart had Beverly McDonald blood tested in Mexico in preparation for the 2004 Olympic trials. Memo testified that he had provided Stewart EPO for her use during this period. On April 22, a blood screen was administered. This was designed to establish a base line for the administration of the EPO, a PED. At this time Raymond Stewart was training her. He testified that the blood tests dealt with a sore leg she was suffering. At no time was any medical examination by a physician or medical expert sought for a sore leg.

Stewart denies procuring or using any drugs from Memo for the athletes he coached. He testified that any drugs he got from Memo were for his own use in treatment for soccer related health issues that he suffered. He denies receipt of any e-mail presented in evidence that deal with the drugs Memo provided to him. The defense to allegations arising from the taped conversations is that he merely wanted to acquaint himself with drugs and their administration because people often asked him about them and he wanted to provide accurate information about drugs, their administration and use in training. The extensive discussions about doses, injection sites, needle sizes, drug cocktails, timing of administration that appear on these tapes illustrate that both men had an extensive history of drug use and administration.

Stewart denies that he coached anyone from 2006 forward despite the creation, update and registration of the Ray's Sportswild website in 2008. The extensive detail in the 2008 website appears to be an active solicitation of athletes seeking a coach and trainer.

Testimony from Dr. Daniel Eichner, Medical Science Director of USADA addressed the performance enhancing drugs, specifically hormones IGF and EPO as well as

insulin. He outlined the dangers of administration of these PEDs without closely monitored medical supervision.

EPO thickens the blood. It can become so viscous that one could die while sleeping because the blood becomes too thick to pump. It is essential that one must closely monitor hematocrits while administering EPO. EPO can do irreparable damage. The effect on the pituitary gland can stop the natural production of natural growth hormone in perpetuity. Insulin presents the most dangerous results. An athlete can overdose with one incorrect injection. It can also desensitize the body to the effects of insulin and cause diabetes. It can induce a diabetic coma and death. None of the drugs discussed in this hearing as having been provided by Memo to Stewart should ever be administered without close medical supervision.

The arbitrator is comfortably satisfied that Raymond Stewart regularly dealt with Memo, an admitted drug supplier to the track and field world in order to secure drugs which were prohibited by WADA, for use by athletes that he coached and trained. The arbitrator finds the testimony of Memo to be credible, detailed and frank. He has testified under oath that Stewart regularly engaged in trafficking, purchased prohibited drugs from Memo, participated in physical testing on behalf of himself and his athlete/wife and had extensive conversations with Memo on protocols, regimens, and administration doses and techniques and how to avoid getting caught for these activities. Stewart went so far as to advise Memo on how Memo should avoid detection a drug dealer. Memo's credibility was subject to comment by federal authorities engaging him as a witness. In exhibit 25, a New York Times article written and published April 13, 2008 quotes the authorities who have worked with him over three years as stating "he is credible despite his unsavory activities, and that nothing he has told them has been shown to be untrue."

The relationship between these men spanned 10 years while Stewart held himself out to the world as a coach of track and field athletes at elite levels and all the while he knew he was regularly communicating with a known drug dealer trafficking in performance enhancing drugs. In his taped discussions, Stewart never condemned drug use, never questioned it but rather counsels Memo to be more secretive. The extent of details in these discussions is professionally impressive.

Stewart sent Memo money, he e-mailed him, and he received e-mails from Memo with specific drugs and specific doses detailed. He requested product from him, took deliveries from FedEx from him and had an ongoing dialog on use, administration and dosages with him. He advised his wife that Memo was a drug dealer for athletes and despite what Memo's admitted involvement in drug dealing with other athletes and coaches; Stewart continued his relationship with him.

The overwhelming weight of the evidence supports the charges brought against Raymond Stewart by USADA. It proves to the arbitrator by a comfortable satisfaction that Raymond Stewart violated Sections 2.7 and 2.8 of the WADA code. He trafficked in prohibited substances and he administered and attempted administration of prohibited substances. Further, he assisted, encouraged, aided

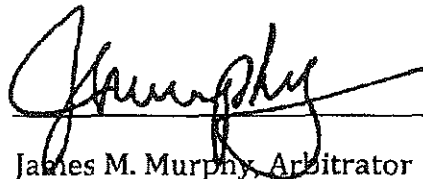
and abetted and was complicit in anti-doping rule violations. He counseled the cover up of such activities as well.

The code provides for a sanction, which is the imposition of a period of ineligibility from four years to lifetime. USADA seeks a lifetime ban for Raymond Stewart since he, as a coach, is to be held to a higher standard of conduct due to his position of trust and responsibility. He was involved with the use and administration of highly dangerous substances, which presented a risk of grave injury or death to any athlete who used the substances, and which substances were secured and provided to them by Stewart. Further, he engaged in repeated violations of anti-doping rules over a number of years.

In light of Dr. Daniel Eichner's testimony regarding the potentially lethal nature of the drugs procured by Stewart from Memo and provided to his charges in non-medically supervised environments, the risk to the athletes has been established. The taped conversations between Memo and Stewart centered on the acquisition and use of drugs without concern about any other issues other than avoiding detection regarding the acquisition and administration of these PEDs. Testimony provided evidence of a long-term relationship between a known drug dealer and coach with multiple transactions taking place.

These facts plus his position of coach which presents him to young men and women as a trusted advisor and confidant; as one who knows the path to gold and glory places an inviolable responsibility on him to be a role model and leader. The rejection of this responsibility presents a personal affront to his athletes; a repudiation of USADA, WADA rules and the expectations of the sporting world, particularly when the practice involves multiple violations.

The recommendation of USADA that the arbitrator impose a lifetime period of ineligibility from coaching on Raymond Stewart is accepted and adopted.



James M. Murphy, Arbitrator