

In the matter of the Canadian Anti-Doping Program;

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

File Outcome Summary

Summary

1. During an Initial Review conducted by CCES following a reported adverse analytical finding (AAF) on a separate matter, which matter will be pursued subsequently, information was received from the Athlete that suggested that the Athlete had, in fact, incurred an Anti-Doping Rule Violation (ADRV) pursuant to the 2015 Canadian Anti-Doping Program (CADP).
2. The Athlete admitted to CCES that he had used Dehydrocchlormethyltestosterone, a prohibited substance, while playing for the Edmonton Huskies in the Canadian Junior Football League (CJFL) in 2016 and 2017. At all relevant times the Athlete was subject to the CADP.
3. The CCES elected to pursue the admitted Use ADRV and will address the AAF separately. The Results Management process for the Athlete's admitted Use of Dehydrocchlormethyltestosterone in 2016 and 2017 was therefore pursued under the Rules of the 2015 CADP, which were the anti-doping rules in force at the time.
4. Pursuant to the 2015 CADP, the CCES' issued a Notification, asserting an ADRV for the admitted Use of Dehydrochlormethyltestosterone in 2016 and 2017, and proposed a four (4) year sanction. However, in accordance with the principal of "lex mitior" and recognizing that the 2021 CADP contains sanction calculation provisions more favorable to the Athlete, the Athlete was offered and elected to sign an Early Admission and Acceptance Form (pursuant to the 2021 CADP at Rule 10.8.1) thereby admitting to the asserted violation within twenty (20) days of the Notification, waiving his right to a hearing and accepting all proposed consequences. Considering the signed Early Admission and Acceptance Form, the otherwise applicable four (4) year period of ineligibility was reduced to three (3) years.

Jurisdiction

5. 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.
6. 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.
7. 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 2015 CADP was adopted by Football Canada on January 16, 2015. Therefore, as a member of Football Canada and/or as a participant in Football Canada sport activities at the time of the admitted use, the Athlete was subject to the Rules of the CADP.

Results Management

8. Dehydrochlormethyltestosterone is classified as a prohibited substance on the 2016 and 2017 WADA Prohibited Lists.
9. On December 16, 2021, the Athlete submitted a response to the CCES on a separate matter, within which he disclosed the use of Dehydrochlormethyltestosterone in 2016 and 2017.
10. On January 24, 2022, in accordance with CADP Rule 7.2, the CCES issued a Review letter to the Athlete regarding his disclosed use of Dehydrochlormethyltestosterone. The purpose of this letter was to allow the CCES to assess the written statement previously provided by the Athlete, as well as to understand whether the Athlete was subject to the CADP during the relevant time (in 2016 and 2017) and therefore whether an ADRV could be pursued in accordance with 2015 CADP Rule 2.2.

Asserted Violation 2015 CADP Rule 2.2

11. On February 17, 2022, having reviewed all available information, the CCES sent a Notification letter to Football Canada under the 2015 CADP, formally asserting a violation against the Athlete for the Use of Dehydrochlormethyltestosterone.
12. In accordance with CADP Rules 10.2.1.1 and 10.7.4.1, the standard sanction for an anti-doping violation involving the Use of a prohibited substance, is a four (4) year period of ineligibility. The CCES proposed the standard four (4) year sanction within its Notification letter of February 17, 2022.

Confirmation of Violation and Sanction

13. As outlined in the CCES' Notification letter, although the Use violation was being pursued under the 2015 CADP (the Rules in effect at the time of the admitted Use), in accordance with 2021 CADP Rule 18.4.2.2, the Athlete had the right to request the application of any provision contained in the 2021 CADP (the Rules in effect at the time the potential Use violation became known), to the extent they were more favorable.
14. On March 7, 2022, the Athlete signed and submitted an Early Admission and Acceptance Form to the CCES. Accordingly, effective March 7, 2022, an ADRV has been confirmed against the Athlete for the Use of Dehydrochlormethyltestosterone. In accordance with 2015 CADP Rules 10.2.1.1, 10.11.3.2 and 2021 CADP Rule 10.8.1, the sanction for this ADRV is a three (3) year period of ineligibility, which commenced on January 26, 2022, (the date the Athlete was provisionally suspended), and concludes on January 25, 2025.
15. The CCES now considers this case closed.

Dated at Ottawa, Ontario this 15th day of March 2022.



Jeremy Luke

Senior Director, Sport Integrity
CCES