

**DECISION OF THE ATP TOUR ANTI-DOPING TRIBUNAL
ON THE APPEAL OF BOHDAN ULIHRACH**

DECISION

This appeal by Bohdan Ulihrach was heard on 22 April 2003 in Jacksonville, Florida before an ATP Tour Anti-Doping Tribunal consisting of Prof. Richard H. McLaren, Esq., Chair, Prof. Eduardo H. De Rose and Dr. Arturo Marti.

Mr. Ulihrach was present at the hearing and Jiri Balastik, Esq., represented him at the hearing.

The ATP Tour {hereafter the “Tour” or the “ATP”} was represented by Stephen D. Busey, Esq., and John MacLennan, Esq., and Mark V. Young, Esq., ATP General Counsel and Executive Vice-President, along with Richard Ings, ATP Executive Vice-President of Rules and Competition.

BACKGROUND FACTS

1. Mr. Bohdan Ulihrach {the “Player”} is a professional tennis player from the Czech Republic. He has been a member of the ATP since 25 June 1994, and a member of Division 1 since 5 September 1994.
2. The ATP Tour is a not-for-profit membership organization made up of men’s professional tennis players and tournament organizations. The ATP sanctions tennis tournaments and provides league governance and support to its member tournaments and players. Pursuant to this role the ATP has adopted rules for the conduct of tournaments and players. There rules include the ATP Tennis Anti-Doping Program. The parties have stipulated that the ATP Tour 2002 Official Rulebook (the “Rules”) is applicable to this case.
3. On 31 December 2001 the Player signed a consent form required by the Rules for the 2002 season. By that form he agreed that he received a copy of the Rules. He further agreed that he had an opportunity to review the Rules and agreed to be bound by them and to play by the Rules.
4. Pursuant to the Tennis Anti-Doping Program {“Anti-Doping Rules”} set out beginning at p.86 of the ATP 2002 Official Rulebook the Player provided a urine sample at the ATP 2002 Kremlin Cup tournament in Moscow, Russia on 3 October 2002. The Player did

not challenge the sample collection process nor the transportation chain of custody of the sample to the lab.

5. On 9 December 2002, the Player received a letter from the International Doping Tests & Management {"IDTM"} who is the Anti-Doping Program Administrator for the ATP doping program. The letter advised that the urine sample provided in Moscow had been analyzed by Le Laboratoire Suisse d'Analyses du Dopage {the "Lab"} in Lausanne, Switzerland, an International Olympic Committee {"IOC"} accredited laboratory.
6. The letter further indicated that the Lab analytical result contained in its Doping Control Report indicated that the A sample revealed a concentration of Norandrosterone 5.2ng/ml and Noretiocholanolone of 3.8ng/ml. The Player requested that the B sample be analyzed by the Lab in his absence. The Lab analysis was carried out in January of 2003 and revealed an analytical result of 3.2ng/ml of Norandrosterone and 2.5ng/ml of Noretiocholanolone.
7. IDTM notified the Player and the ATP of the B confirmation results. Richard Ings, Executive Vice-President of Rules and Competition of the ATP by letter of 3 March 2003 advised the Player that he had committed a Doping Offense under Section C 1.a of the Anti-Doping Rules. He was advised that he would be suspended on the eleventh business day after receipt of this letter unless a request to have a hearing before an Anti-Doping Tribunal had been made. The Player made such a request and activated the process leading to this decision.
8. Since the receipt of the IDTM letter on 9 December 2002 the Player has voluntarily not participated in any tennis tournaments and competitions organized by the ATP or the International Tennis Federation {"ITF"}. He advises that he has cancelled his participation in the tennis tournaments and competitions from January to mid-March for which he had registered previously. Therefore, at the time of writing this decision, the Player had played his last match at the Paris tournament on 25 October 2002.
9. Nandrolone is a Class 1 Prohibited Substance under Rule D 1 and Appendix B of the Rules. No challenge was made by the Petitioner regarding the procedural process of determining that a Doping Offense had occurred and the recommendation of the Review Board had been received and implemented.
10. This Anti-Doping Tribunal {the "Tribunal"} was established pursuant to Rule L 2. Counsel for both parties confirmed that they had no objection to the composition or the jurisdiction of the Tribunal to hear, determine and issue a decision in this appeal.
11. The hearing was held within the 60 day guideline set out in Rule L 2. The hearing commenced at 9:00 a.m. on 22 April 2003 at a hotel hearing room in Jacksonville, Florida. The hearing concluded at approximately 12:45 p.m.
12. Pursuant to Procedural Order No. 1 issued by the Chairman of the Tribunal on 24 March 2003, counsel for the parties filed sworn affidavits of each witness intended to be called.

The Player provided a written statement and an expert report was filed. The expert report was co-authored by Professor Starka as to its endocrinological aspects and by Dr. Hill as to its biochemical and analytical aspects. The ATP accepted the statement and expert report without cross-examination. The Player gave a brief statement and was questioned by the Tribunal.

13. The Tour provided sworn affidavits of each witness intended to be called as a witness. One by Dr. Martial Saugy, Director of the IOC accredited Laboratoire Suisse d'Analyses in Lausanne, Switzerland and the other by Staffan Sahlstrom of the IDTM. The Player accepted the statements without cross-examination.
14. The Tribunal questioned the Player; Professor Starka and Dr. Saugy. Counsel for both parties had questions arising out of the questions of the Tribunal.
15. The parties stipulated that the collection of the sample and the transportation of it to the Lab were in accordance with the Anti-Doping Rules. Therefore, there was no dispute as to the collection of the sample or the chain of custody. The Tour further stipulated that the cut-off threshold for the report of a Nandrolone positive analytical result from a laboratory had been 5ng/ml and was changed to 2ng/ml commencing in 2002. Evidence of that change may be found in the letter of 29 January 2002 from the then Anti-Doping Program Administrator to the Director of the Lab instructing the Lab to use the IOC procedures in reporting of the test results. Therefore, the Lab used a 2ng/ml cutoff for the reporting of a specimen as positive for the presence of Nandrolone. There was never a publication to the member of the Tour of the 5ng/ml threshold or the change to the 2 ng/ml threshold.

ARGUMENTS

16. The position of the Tour was that the Player had committed a Doping Offense by having a Prohibited Substance in his body during competition in violation of the ATP Anti-Doping Rules. All of the elements of the offense had been established. There was no basis for using the Exceptional Circumstances within the Anti-Doping Rules. Therefore, the full two year sanction must be applied by the Tribunal.
17. Mr. Balastik's position was that the Player has never taken any Prohibited Substance. The Player cannot specify the source or explain the existence of Nandrolone in his body. He submits that he did not intentionally take any Prohibited Substance or have knowledge that any Prohibited Substance was being issued to him. It is submitted that some possible explanations for the Nandrolone found in his urine specimen might have been because of natural production; ingested unknowingly through meat. In the alternative, it is submitted that there is no Doping Offense because of the analytical result is in the "grey zone". The other alternate argument being that the Lab analysis being markedly different between the A and B samples is a flawed analysis. Mr. Ulihrach's counsel argued that these facts support a finding of no Doping Offense; or, in the alternative of Exceptional Circumstances justifying either the elimination or a reduction of the sanctions under the Anti-Doping Rules. Mr. Balastik further argued that the

minimal level of the results would not have enhanced the Player's performance.

RELEVANT ANTI-DOPING RULES

18. The relevant Anti-Doping Rules of the Program read:

B. Covered Players and Events

1. Any player who enters or participates in an event organized, sanctioned or recognized by the ATP, or who is an ATP member or is listed in the Singles or Doubles ATP Entry System, shall comply with and be bound by the provisions of this Program. Further, for each calendar year all such players shall, as a condition to entering or participating in any event organized or sanctioned by the ATP, deliver to the ATP a signed consent in the form set out in Appendix A.

...

C. Doping Offenses

1. Doping is forbidden and constitutes a Doping Offense under this program. Doping occurs when:
 - a. A Prohibited Substance is found to be present within a player's body; or

...

3. A player is absolutely responsible for any Prohibited Substance found to be present within his body. Accordingly, it is not necessary that intent or fault on the player's part be shown in order for a Doping Offense to be established under paragraphs 1 and 2 of this section C, nor is the player's lack of intent or lack of fault a defense to a Doping Offense.

...

D. Prohibited Substances and Doping Methods...

...

4. It is the sole responsibility of each player (or, where applicable, that player's legal guardian) to acquaint himself with all of the provisions of the Program; and further, it is each player's sole responsibility to notify his personal physicians, coaches and other relevant personnel of the provisions of the Program.

...

ISSUES

19. (A) Does the variation in the Lab analytical results between the A and B samples mean the results are invalid? Are the results invalid by reason of the same person conducting both analysis?
- (B) Does the alteration of the Nandrolone threshold reporting instructions to the Lab mean that there can be no Doping Offense on the facts here?
- (C) Does the fact that the analytical results are within the “grey zone” mean that there was no Doping Offense? Is strict liability the appropriate principle to be applied?
- (D) Do the exceptional circumstance provisions of the Rules or the principle of proportionality from the CAS cases apply to reduce the sanction?

ISSUE #A Does the variation in the Lab analytical results between the A and B samples mean the results are invalid? Are the results invalid by reason of the same person conducting both analysis?

20. The samples were analyzed after glucuronidase hydrolysis and derivatisation by GC/MS triethylsilyl derivatives upon application of the STESIM technique. This is a recognized and established method of analysis for a urine sample at an IOC accredited laboratory such as the Lausanne Lab.
21. The analytical results from the Lab are set out in the following table:
Sample A: 5.2 +/- .09(SD) ng/ml 19-NA; 3.8 +/- .05(SD) ng/ml 19-NE
Sample B; 3.2 +/- .1(SD) ng/ml 19-NA; 2.5 +/- .1(SD) ng/ml 19-NE.
The expert report of Prof. Starka indicates that the declared standard deviations for the analytical methods used by the Lab would be below 0.1 ng/ml. The foregoing table indicates that the Lab analytical results are within the expected standard deviation.
22. It was submitted on behalf of the Player that using the standard deviations cited in the Lab report there would be 95% probability that when the B sample is analyzed the results ought to be in a range of 4.95 to 5.45 ng/ml 19-NA and 3.65 to 3.95 ng/ml 19-NE. A review of the table indicates that the actual B sample analysis is not within these parameters. The Player submits two theories. First, that the extreme differences in the results are statistically unacceptable. Second, there is an alleged error in the results partially explained in Professor Starka’s submission by “the peak that preceded the steroid and more or less merges with it”. He characterizes the difference as an “enormous analysis error” and submits that the “very unusual discrepancy” casts doubts on the analytical results provided by the Lab.
23. There is no validity to the statistical argument. Dr. Saugy in his oral testimony indicates that it is inappropriate to compare the A sample result which is based on 6 analysis of the sample with a second result. The second result in the B sample was also based upon 6 analysis. It is not proper scientific method with respect to discreet sample analysis at different times to do a statistical review and analysis as between the two samples. The submissions of the Player on the statistical deficiencies is rejected.

24. As to the second argument of a Lab analysis error Dr. Saugy indicates that there is very good consistency between each of the 6 A sample analysis and likewise for the B sample. He indicates that there are occasions when there is a variance in the lab results as between the A and B samples which cannot be explained. However, the existence of such a variation does not mean that the B has not confirmed the A sample. Examples of such discrepancies in results have occurred in some of the CAS cases as is indicated in *Meca-Medina and Majcen*¹ and have not been accorded significant weight by other tribunals. It does not place a doubt or cloud over the results. Therefore, the submission that there was a flaw in the analysis of the Lab is rejected as not having been established.
25. Quite apart from the foregoing conclusions on the statistical and lab error submissions there is a further reason to reject this branch of the Player's submissions. Under the Anti-Doping Rules the purpose of the B analysis as set out in Rule J 11. is to "confirm[s] the presence of the same Prohibited Substance ... as in the 'A' specimen". The Court of Arbitration for Sport {"CAS"} has dealt with this issue on several occasions. In *IAAF v Confederacao Brasileira de Atletismo (CBAT) and Dos Santos*² a decision dated 27 January 2003 at paragraph 116 indicates that the purpose of the counter-analysis of the B sample is "...not to confirm the correctness of the analysis of 'A' sample, but only to verify the presence of the prohibited substance (or the quantity of such substances) which gave rise to a positive finding in the "A" sample.³ As to a calculation error contained in a lab report having no effect on the doping conclusion see *USA Triathlon v S. Smith*.⁴ In this case, it can be easily concluded that the B analysis confirms the A results albeit at different values but at levels remaining over the threshold.
26. The testimony of Dr. Saugy revealed there was nothing unusual in having the same technician do both the A and the B samples. This was particularly the case now that this and other IOC accredited labs are using the ISO standards system.
27. Based upon all of the foregoing in paragraphs 20 to 26 the Tribunal determines that the variation of the analytical results between the A and B samples does not invalidate the test results. Furthermore, the fact that the operator did both of the analysis is of no material consequence in this case. The Lab results are valid and should not be considered otherwise as argued by counsel for the Player.

¹CAS 99/A/234 & 235 at para. 8.9. See also *Bouras v FIJ* CAS98/A/214.

² CAS 02/A/XXX

³ The case involved the T/E ration where the B sample had much higher readings than the A. However, the B sample had been analyzed deliberately to read high values whereas the A sample analysis had not been set up in that fashion. See also the case of *Bouras v ITF* CAS/98/A/214 [English translation].

⁴ CAS 99/A/241

ISSUE # B Does the alteration of the nandrolone threshold reporting instructions to the Lab mean that there can be no Doping Offense on the facts here?

28. In August of 1998 the IOC Medical Commission established a threshold of 2ng/ml for the reporting of a positive test for Nandrolone in males.⁵ The Lab in this case was instructed by letter of 29 January 2002 from the Anti-Doping Program administrator at the time to use IOC procedures in the report of the test results. The effect of that instruction was to make the cut-off threshold 2ng/ml where it had been 5ng/ml in prior years. The standard instruction for laboratory report in the previous competition year of 2001 had been 5ng/ml.⁶
29. The ATP Anti-Doping Rules do not contain within them any reference to a cut-off for Nandrolone. This is in contrast to some other sports federations which choose to include thresholds within the rules.⁷ Under the Anti-Doping Rules it is an offense to have Nandrolone in any detectable quantity in the body fluids. There has been no change in the rule. It is the administration of the rule that has changed as the science has changed.
30. Initially the IOC rules were by analogy similar to those of the Tour. That is there was an absolute ban on Nandrolone. Then in 1998 a threshold was introduced to accommodate the recognition by the scientific community that there could be modest levels of endogenous production. The threshold of 2ng/ml was introduced for males. The threshold was not placed within the Olympic Movement Anti-Doping Code. Instead a memo was issued by the IOC to the IOC accredited laboratories to implement a threshold. The ATP went to a threshold of 5ng/ml but did not place the threshold within its rules. The Tribunal does not know when the ATP began administering this cut-off. However, as the science changed so did the cut-off and there was a recognition of the need to reduce it. That step was implemented by the Tour in 2002. However the ATP Anti-Doping Rule remained as it has always been an absolute ban. The administration of the absolute ban was that there would be no positive analytical result unless the analysis exceeded the revised threshold.
31. In effect what the Player is arguing in this branch of the case is that the Tour ought to be giving notice of the change in the administration of the Anti-Doping Rules. First the threshold is not a rule. However, even more important is to recognize that the essence of the argument is that if you were previously using Nandrolone but only up to the level of 5ng/ml then you ought to have notice that you can only use it as of January 2002 up to a level of 2ng/ml. The flaw in the argument is apparent. The purpose of the rule is to ban any use of the steroid. The Anti-Doping Rules are an absolute ban without a cut off⁸ and

⁵See USA Triathlon v. S. Smith, *supra*, at paragraph 67.

⁶See the Anti-Doping Tribunal decision in Coria dated 19 December 2001.

⁷For example the UCI rules filed with the Tribunal by the Player. See JEB tab 19.

⁸ As was held to be the case with the levo rotation of methamphetamine in the Baxter

are drafted in that fashion in order to reinforce the purpose. However, there are scientific reasons for establishing and administering a cut off. The threshold in use is now lower than it previously was but all within the context of dealing with a substance that is banned in any quantity.

32. Therefore, the lack of communication of the change in the threshold is immaterial to the determination of a Doping Offense under the Anti-Doping Rules. The A sample was in excess of the properly set up administrative laboratory reporting threshold of 2ng/ml. The B sample confirmed the A sample which is the function of undertaking that analysis. Therefore, there was a Prohibited Substance within the Player's sample. A Doping Offense under the ATP Anti-Doping Rules has been established.

ISSUE # C Does the fact that the analytical results are within the "grey zone" mean that there was no Doping Offense? Is strict liability the appropriate principle to be applied?

33. The submissions on a "grey zone" are dated. CAS decisions since the decisions in the Meca-Medina case # 1⁹ no longer accept that there is a "grey zone" beyond the threshold. This Tribunal agrees with that conclusion and the many cases since¹⁰ which have refused to apply the concept pronounced in the *UCI v Mason*¹¹ and *Bernhard v ITU*¹².
34. The "grey zone" arose surrounding the controversy regarding the appropriate cut-off to rule out endogenous production of Nandrolone. A cut-off was established in 1998¹³ and the *Mason* and *Bernhard* cases were decided thereafter and suggested that between two and five nanograms per milliliter was a zone where tests should not be declared positive without further investigation. It is now recognized that the thresholds provide a comfortable cushion above most scientific studies publications of endogenous production of Nandrolone¹⁴. Therefore, the Tribunal rejects the submissions of the Player on the "grey zone" as being without validity to affect the Tribunal's conclusions.
35. The parties stipulated that there was no challenge to the collection or transportation of the

case CAS 02/A 376

⁹CAS 99/A/234 and 235 and its sequel CAS 200/A/270.

¹⁰See for example *FLCP v. IWF*, CAS 99/A/252, paragraph 7.5.6.

¹¹CAS 98/A/212.

¹²CAS 98/A/222.

¹³See *Analytical Criteria for Reporting Low Concentrations of Anabolic Steroids* (Aug.)

¹⁴See *Nandrolone Progress Report*, Report to UK Sports Council (February 2003) at paragraph 25. Joint Exhibit Book Tab 10.

urine sample. The Tribunal has found the analytical results of the Lab to be valid and the challenge of the Player as to the invalidity of the results has been rejected in this decision. The Tribunal has also rejected the challenge to the Anti-Doping Rules in respect of the absence of a threshold in the rules and making no announcement in changing the administration of the threshold for a positive result. In those circumstances a Doping Offense under Rule C 1. a. has occurred in that a Class 1 Prohibited Substance was in the Player's body fluids contrary to the Anti-Doping Rules.

36. 15The Anti-Doping Rules provide in C 3 that a player is “absolutely responsible” for what is in his body. It is unnecessary for the ATP to establish “intent” or “fault” by Rule C 3. The Player's lack of “intent” or lack of “fault” can not be a defense to a Doping Offense. The principle of strict liability is embodied in the Anti-Doping Rules. The principle within the rules has been accepted as a strong anti-doping rule in the *Chella* and *Coria* cases¹⁶. The Player has in this case as was done in *Korda*¹⁷ speculated that either endogenous production or consumption of meat of animals injected by steroids and eaten at the tournament while the athlete was in Russia explain the metabolites of nandrolone found in his sample. It is now well established science that endogenous production and/or consumption of tainted meat would only explain trace amounts of nandrolone metabolites.¹⁸ Furthermore, in this case no evidence is offered as to either of these speculative suggestions. There is therefore no basis for the Tribunal to accept the speculative suggestions as being an exhalation of the analytical results with the concentrations found in the Player's sample.
37. The Player has absolute responsibility under Rule C. 3 when a Prohibited Substance is found to be present within his body. The explanations of innocence and absence of fault are not defenses anymore than is a statement of lack of awareness or knowledge. The Tribunal therefore has no alternative but to conclude that a Doping Offense has occurred and it so finds.

ISSUE #D Do the exceptional circumstance provisions of the Rules or the principle of proportionality from the CAS cases apply to reduce the sanction?

38. In order to establish Exceptional Circumstances Rule E 4c. requires this Tribunal to determine that the Player has established:
- i. with specificity the source of the Prohibited Substance and how it came to be present in the body;
 - ii. that he did not know, by reference to the specific circumstances, that he had ingested the relevant substance; and
 - iii. that in taking steps to avoid and in not knowing that he was ingesting the relevant

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¹⁶ See footnote 6.

¹⁷ITF v Korda, CAS 99/A/223

¹⁸ See in particular the Second Report of the UK Sport Council cited at footnote 14.

substance his conduct was reasonable.

39. There is no explanation as to the source of the Prohibited Substance. Indeed, the Player in his statement indicates that he is unable to explain the Lab results. The mere suggestion of some explanations is insufficient to trigger the Exceptional Circumstances provisions. The absence of knowledge is also insufficient reason to trigger the provision. Therefore, the Tribunal is unable to use the provisions in E 4 c. of the Anti-Doping Rules
40. The consequence of the Tribunal findings that a Doping Offense occurred means the disqualification sanction found in E. 4. c. and N. 3. must be applied. Therefore, the prize money arising from the ATP 2002 Kremlin Cup tournament in Moscow is hereby ordered to be forfeited; and the Race/Entry System points earned at the competition are to be struck out.
41. The existence of a Doping Offense coupled with the Tribunal finding that the Exceptional Circumstances provision can not be used means that the full disciplinary sanction for a Doping Offense for a Class 1 Prohibited Substance must be applied. Therefore, a mandatory two year suspension as set out in Rule M. 1. a. is to be applied.
42. In this case the Player voluntarily elected not to compete after learning of the possibility of having committed a Doping Offense. He canceled his entries in the first quarter of this year. He has in fact not competed since 25 October 2002. The Anti-Doping Rules do not consider a player to have committed a Doping Offense until the full adjudication of their case as prescribed in Rule J. 15. Therefore, a player is free to compete at least until a Tribunal has issued a unanimous decision. In this case the Player has voluntarily not competed.
43. The Anti-Doping Rules provide for the two year suspension to commence the day following the issuing of this decision (See Rule N. 1. b). The Tribunal has no discretion to determine the length of the suspension because of the absence of any such power through the unavailability of the Exceptional Circumstances rule. However the rules are silent with respect to determining a different commencement date for a suspension other than the Rule in N. 1. b.
44. In many CAS and other decisions¹⁹ a doctrine of proportionality is invoked to extend some limited discretion to an adjudication body that the rules that adjudicative body is to apply might otherwise not extend to it. If the literal application of the ATP Anti-Doping Rules are to be applied then this Player would be suspended for more than six months beyond the mandatory two year suspension because of having not played on a voluntary basis since October and this decision not taking effect before early May. Therefore, in the circumstances the doctrine of proportionality and the concept of fairness which it embraces cause this Tribunal to commence the mandatory sanction not the day after this decision but commencing on 26 October 2002 and ending on 25 October 2004.

¹⁹ See generally McLaren '*Doping Sanctions: What Penalty?*' [2002] 2 ISLR 23.

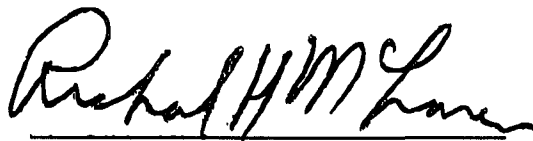
45. Under Rule N. 3. the Player must forfeit “all Race/Entry System points” and, “forfeit and return to the ATP all prize money without deduction for tax earned at subsequent ATP sanctioned or recognized events in which the player competed following the tournament at which the player provided the positive specimen”. Such forfeiture is to be effective the day after the Tribunal decision is released. In this case the Player played in the International Series Gold in Vienna, Austria and then in the International Series at St. Petersburg, Russia. The Event Points from these two tournaments before he stopped playing were 15; the prize money totals US \$ 26,900. It is ordered that these points be forfeited and the monies paid to the ATP in accordance with Rule N. 3.

DECISION

The Tribunal makes the following orders based upon the foregoing grounds and decisions.

1. A Doping Offense has occurred under Rule C 1. a. A mandatory two year suspension is imposed for the use of a Class 1 Prohibited Substance under Rule M. 1. a.
2. It is ordered under Rule E 4 c that the prize money obtained from the "ATP 2002 Kremlin Cup" in Moscow, Russia be forfeited and is payable immediately under Rule N 1. b. It is further ordered that the Race/Entry System points earned at the same competition be struck out.
3. The suspension provided for by Rule M 1. a. is to be effective from 26 October 2002 of which the first six months and a few days is to be comprised of voluntary time served which is to be counted as part of the suspension. In accordance with the mandatory suspension of two years the suspension will end on 25 October 2004.
4. Under Rule N. 3. it is ordered that there be a forfeiture of Race/Entry points and prize money in accordance with that rule from the time of the in competition sample until the commencement of the suspension ordered herein to be 26 October 2002.

DATED THIS 1st DAY of MAY, 2003. SIGNED in COUNTERPARTS.



Prof. Richard H. McLaren, C.Arb
(Chairman)
Barrister and Solicitor

SIGNED AT: London, Ontario, CANADA

Dr. Arturo Martí
Rio Piedras, PUERTO RICO

Prof. Eduardo Henrique De Rose
Porto Alegre, BRAZIL

DECISION

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DATED THIS 1st DAY of MAY, 2003. SIGNED in COUNTERPARTS.

Prof. Richard H. McLaren, C.Arb
(Chairman)
Barrister and Solicitor
London, Ontario, CANADA



Dr. Arturo Martí
SIGNED AT Rio Piedras, PUERTO RICO

Prof. Eduardo Henrique De Rose
Porto Alegre, BRAZIL

DECISION

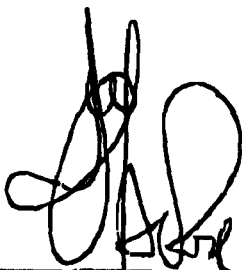
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4. Under Rule N. 3. it is ordered that there be a forfeiture of Race/Entry points and prize money in accordance with that rule from the time of the in competition sample until the commencement of the suspension ordered herein to be 26 October 2002.

DATED THIS 15 DAY of MAY, 2003. SIGNED in COUNTERPARTS.

 Prof. Richard H. McLaren, C.Arb
 (Chairman)
 Barrister and Solicitor
 : London, Ontario, CANADA

 Dr. Arturo Martí
 Rio Piedras, PUERTO RICO



 Prof. Eduardo Henrique De Rose
 SIGNED AT Porto Alegre, BRAZIL