

In the matter of the Canadian Anti-Doping Program;

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

File Outcome Summary

Summary

1. The Canadian Centre for Ethics in Sport (CCES) conducted an out of competition sample collection session on April 23, 2019, in Toronto, ON.
2. Mr. Kelly Branton (“the athlete”) was selected for doping control. The sample provided by the athlete returned an adverse finding for SARM LGD-4033, SARM S-22, Methandienone, Stanozolol and Ibutamoren all classified as prohibited substances.
3. The athlete admitted the violation but failed to dispute the CCES proposed four-year sanction within the timelines outlined within the Canadian Anti-Doping Program (CADP) and as a result was deemed to have waived his right to a hearing and accepted the proposed consequences.

Jurisdiction

4. 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.
5. 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.
6. The athlete is a member of and participates in the sport of Powerlifting with the Canadian Powerlifting Union (CPU). 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 CPU adopted the CADP on July 25, 2016. Therefore, as a member of CPU and/or as a participant in CPU sport activities, the athlete is subject to the Rules of the CADP.

Doping Control

7. On April 23, 2019, the CCES conducted an out of competition doping control session in Toronto, ON. Testing was conducted as part of the CCES’ domestic test distribution plan, all pursuant to the CADP.

8. The athlete was notified for doping control and, together with the Doping Control Officer (DCO) from the CCES, completed the sample collection process. The athlete's sample code number was 4319140.
9. On April 24, 2019, the athlete's sample was received by World Anti-Doping Agency (WADA) accredited laboratory, the INRS-Institut Armand-Frappier (INRS), in Laval, QC.

Results Management

10. The adverse analytical finding was received from the INRS on May 14, 2019. The Certificate of Analysis indicated the presence of SARM LGD-4033, SARM S-22, Methandienone, Stanozolol and Ibutamoren.
11. SARM LGD-4033, SARM S-22, Methandienone, Stanozolol and Ibutamoren are classified as prohibited substances on the 2019 WADA Prohibited List.
12. On May 24, 2019, the CCES formally asserted a violation against the athlete for the presence of multiple prohibited substances. A mandatory Provisional Suspension was also imposed against the athlete on this date.
13. In accordance with CADP Rule 10.2.1, the standard sanction for an intentional doping violation involving the presence of multiple prohibited substances (non-specified substance), is a four (4) year period of ineligibility. The CCES proposed the standard four (4) year sanction within its assertion of May 24, 2019.
14. In response to the CCES' assertion of May 24, 2019, the athlete admitted the anti-doping rule violation. The CCES provided the athlete with a deadline to either request or waive his right to a hearing. The athlete did not take either of these steps by the provided deadline.

Confirmation of Violation and Sanction

15. Rule 7.10.2 of the CADP states:

7.10.2 Alternatively, if the Athlete or other Person against whom an anti-doping rule violation is asserted fails to dispute that assertion within the deadline specified in the notice sent by the CCES asserting the violation, then he/she shall be deemed to have admitted the violation, to have waived a hearing, and to have accepted the Consequences that are mandated by the Rules or (where some discretion as to Consequences exists under the Rules) that have been offered by CCES.

16. In accordance with CADP Rule 7.10.2, which was specifically referenced within the assertion letter, the CCES reminded the athlete on July 25, 2019, and on the day of his imposed deadline (August 26, 2019), of his option to either request or waive his right to a hearing. The athlete was reminded that if he did not take either step by the provided deadline he would be deemed to have waived his right to a hearing and thereby would have accepted the four (4) year sanction proposed by the CCES.
17. As the athlete did not request a hearing or waive his right to a hearing by the deadline, the CCES relies on the provisions contained in CADP Rule 7.10.2. Accordingly, effective August 30, 2019 by reason of the deemed Waiver, an anti-doping rule violation has been confirmed against the athlete for the presence of the identified prohibited substances. In accordance with CADP Rule 10.2.1 the sanction for this violation is a four (4) year period of ineligibility (in accordance with CADP Rule 10.3.1) which commenced on May 24, 2019 and concludes on May 23, 2023.
18. The CCES now considers this case closed.

Dated at Ottawa, Ontario this 16th day of September 2019.



Jeremy Luke
Senior Director, Sport Integrity
CCES