

**In the matter of the Canadian Anti-Doping Program;**

**And in the matter of an anti-doping rule violation by Dominic Picard asserted by  
the Canadian Centre for Ethics in Sport;**

Reasoned Decision

**Summary**

1. The Canadian Centre for Ethics in Sport (CCES) conducted an in-competition sample collection session at the 2015 Coupe des Amériques in Sutton, Québec.
2. Mr. Dominic Picard (“the athlete”) was selected for doping control. The sample provided by the athlete returned an adverse finding for two prohibited substances, including: Tamoxifen (Hormone and Metabolic Modulators) and Clenbuterol (Anabolic Agent).
3. Following receipt of the CCES’ assertion of an anti-doping rule violation for the presence of Tamoxifen and Clenbuterol, the athlete promptly admitted the violation, agreed to the Prompt Admission sanction reduction approved by the World Anti-Doping Agency (WADA) and CCES and waived his right to a hearing.

**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 Canadian Anti-Doping Program (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 Fédération québécoise des sports cyclistes and also a member of Cycling Canada and participates in cycling sanctioned events. 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 CADP was issued for adoption by Canadian sport organizations on October 1, 2014, to be operational on January 1, 2015. Cycling Canada adopted the CADP on October 25,

2014. Therefore, as a member of Cycling Canada and/or as a participant in Cycling Canada sport activities, the athlete is subject to the Rules of the CADP.

### **Doping Control**

7. On June 28, 2015 the CCES conducted an in-competition doping control session at a cycling competition in Sutton, QC. Testing at this competition was conducted on Canadian cycling athletes 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 3901462.
9. On June 28, 2015 the athlete's sample was sent to a WADA-accredited laboratory, the INRS-Institut Armand-Frappier (INRS), in Laval, QC.

### **Results Management**

10. On July 10, 2015, the CCES received a Certificate of Analysis for the athlete's sample (sample code 3901462) from the INRS which indicated the presence of Tamoxifen and Clenbuterol.
11. Tamoxifen is classified as a prohibited substance (Hormone and Metabolic Modulators) on the 2015 WADA Prohibited List. Clenbuterol is classified as a prohibited substance (Anabolic Agent) on the 2015 WADA Prohibited List.
12. On July 23, 2015, the CCES formally asserted a violation against the athlete for the presence of prohibited substances (non-specified substances).
13. In accordance with CADP Rule 10.2.1, the standard sanction for an intentional doping violation involving the presence of a prohibited substance (non-specified substance) is a four (4) year period of ineligibility. The CCES proposed the standard four (4) year sanction within its assertion of July 23, 2015.

### **Confirmation of Violation and Sanction**

14. In response to the CCES' assertion, the athlete promptly admitted to the anti-doping rule violation in accordance with CADP Rule 10.6.3. When an athlete facing a four (4) year period of ineligibility promptly admits a violation in accordance with CADP Rule 10.6.3, the athlete, upon the approval of WADA and CCES, may be eligible for a reduction in the standard sanction in a range from four (4) years down to a two (2) year period of ineligibility, depending on the "seriousness" of the athlete's violation and the athlete's "degree of fault" for their violation. In other words, an actual sanction reduction of up to two years is possible – provided the Tribunal hearing is also waived.

15. Following a careful review of all available information regarding the presence of these prohibited substances in the athlete's sample, including an evaluation of the "seriousness" of the violation and the athlete's "degree of fault" for the violation (see paragraph 16 below), WADA and CCES agreed to reduce the otherwise applicable period of ineligibility by three (3) months, to a three (3) year and nine (9) month period of ineligibility. The sanction reduction was premised on the "seriousness" of the violation and in recognition that a Tribunal hearing was avoided.
16. *Seriousness*: The athlete's violation was very serious. The athlete is a mature individual and an experienced competitor who was well educated regarding his anti-doping responsibilities. The two substances detected are potent doping agents. When used together they have a significant performance enhancing and masking effect. Mitigating this seriousness to a small degree was the fact the athlete is a provincial level competitor at the Masters level. He is not a member of the National Team or a member of Cycling Canada's National Athlete Pool. *Degree of Fault*: The athlete admitted to deliberately taking the two substances in question. Regardless of the circumstances surrounding the ingestion, the deliberate and intentional use of potent performance enhancing substances is serious misconduct. Therefore, the athlete's degree of fault for the violation is considered high.
17. On October 1, 2015, in response to the offer of a 3 month sanction reduction (as proposed by WADA and CCES in accordance with CADP Rule 10.6.3), the athlete waived his right to a hearing thereby accepting a three (3) year and nine (9) month of ineligibility which commenced on July 14, 2015, the date of provisional suspension and concludes on April 14, 2019.
18. The CCES now considers this case closed.

Dated at Ottawa, Ontario this 13th day of October, 2015.



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Jeremy Luke  
Director, Canadian Anti-Doping Program and Business Development, CCES