

National Anti-Doping Panel

Before:
Rod McKenzie (Chair)
Carole Billington-Wood
Dr Terry Crystal

Between:

UK Anti-Doping (National Anti-Doping Organisation)

and

[REDACTED]

**IN THE MATTER OF PROCEEDINGS BROUGHT
UNDER THE ANTI-DOPING RULES OF THE
RUGBY FOOTBALL LEAGUE ("RFL")**

CONSENT ORDER

WHEREAS:

- A. On 9 June 2011, an NADP Tribunal heard a charge brought by UK Anti-Doping against a [REDACTED] RFL club athlete (the "Athlete") for an anti-doping rule violation under Article 2.1 of the RFL's Anti-Doping Rules (the "RFL ADR") involving a substance known as methylhexanamine ("MHA"). At the time of the Athlete's hearing, [REDACTED] was CEO of [REDACTED] RFL club. The Athlete and another witness, the [REDACTED] strength and conditioning coach (the "SCC"), gave evidence to the NADP Tribunal at that hearing. [REDACTED], having spoken with the athlete and the SCC, prepared statements on their behalf and also provided his own written statement. [REDACTED] also made submissions to the NADP Tribunal both orally and in writing. Both the Athlete and the SCC have since admitted that the evidence they gave to that NADP Tribunal was false in several material respects. Both the Athlete and the SCC alleged that [REDACTED] instigated and/or was complicit in their giving of that false evidence.
- B. On 11 October 2011, after having conducted a formal investigation into those allegations, UK Anti-Doping charged [REDACTED] with conduct (while acting as an "Athlete Support Personnel", within the meaning of the RFL ADR) that violated RFL ADR Article 2.5 (*'Tampering or Attempted Tampering with Doping Control'*) and/or RFL ADR Article 2.8 (*'assisting, encouraging, aiding, abetting, covering up or any other type of complicity involving an anti-doping rule violation or any Attempted anti-doping rule violation'*). The charges were based on allegations that [REDACTED] had knowingly made and/or encouraged the Athlete and the SCC to make factual assertions in evidence/submissions to the NADP Tribunal that heard the Athlete's case that [REDACTED] knew to be false in several material respects. [REDACTED] did so initially in an effort to induce the NADP Tribunal, and/or UK Anti-Doping to lift a provisional suspension previously imposed on the Athlete, and then subsequently in an effort to induce the NADP Tribunal not to impose any (or to impose only a limited) final sanction on the Athlete.
- C. On 4 November 2011, [REDACTED] (through his solicitors) contested both of the charges brought against him and denied all of the factual allegations on which those charges were based.
- D. On 10 November 2011, the matter was referred to the NADP for arbitration and the NADP Tribunal named above was convened to hear this matter.

- E. On 29 November 2011, the Chairman of the NADP Tribunal convened to hear this matter issued directions for the hearing of the matter on 11-12 January 2011.
- F. The parties have agreed a resolution of the matter without the need for a hearing on the terms set out below, in accordance with RFL ADR 7.5.4, but on condition that said resolution is subject to the approval of the NADP Tribunal.

NOW, THEREFORE, WITH THE CONSENT OF THE PARTIES, IT IS HEREBY ORDERED THAT:

1. [REDACTED], as the CEO and a director of [REDACTED] performed various duties that involved working with and/or assisting the club's players participating in, or preparing for, sports competition. [REDACTED] does not dispute that he was bound to comply with the RFL ADR, and is subject to the jurisdiction of this NADP Tribunal to hear and determine the charges made against him for violation of the RFL ADR. UK Anti-Doping charged [REDACTED] on the basis that he was an "Athlete Support Personnel" within the meaning of that term as used in the RFL ADR.
 2. [REDACTED] does not contest the charge of violating RFL ADR 2.5 (*Tampering or Attempted Tampering with Doping Control*). Accordingly, that charge is upheld.
 3. UK Anti-Doping does not pursue the charge of violating RFL ADR 2.8 (*assisting, encouraging, aiding, abetting, covering up or any other type of complicity involving an anti-doping rule violation or any Attempted anti-doping rule violation*). Accordingly, that charge is dismissed.
 4. [REDACTED] violation of RFL ADR 2.5 is his first anti-doping rule violation. As a consequence, in accordance with RFL ADR 10.2, a period of Ineligibility is imposed upon [REDACTED] of two years.
 5. In accordance with RFL ADR 10.9.2, on account of [REDACTED] prompt cooperation and plea of no contest to the charge of an anti-doping rule violation under RFL ADR 2.5, the aforementioned two-year period of Ineligibility will be deemed to have commenced as from 9 June 2011, and therefore will end at midnight on 8 June 2013.
 6. In accordance with RFL ADR 10.10.1, during that period of Ineligibility [REDACTED] is prohibited from performing any and all "Athlete Support Personnel" functions, including but not limited to, the provision of:
 - a. Conditioning and physiotherapy of Athletes;
 - b. Sports psychology and off-field Athlete welfare;
 - c. Athlete diet and nutrition advice;
 - d. Skills and / or general fitness training;
 - e. Game plan, game strategy or team selection functions;
 - f. Disciplinary hearing advocacy; and
 - g. Athlete handling; including recruitment and salary packaging and negotiations.
- During the period of Ineligibility [REDACTED] will continue to be able to perform functions including, but not limited to, the following non-player related activities in sport:
- h. Commercial;
 - i. Financial;
 - j. Marketing;
 - k. Community;
 - l. Communication;
 - m. Retail;
 - n. Lottery;
 - o. IT; and

p. Facility Development.

7. Each party shall bear its own costs of these proceedings.
8. [REDACTED] hereby waives his right of appeal against this Order, but each of the Rugby League International Federation and the World Anti-Doping Agency has a right of appeal against this Order or any part of it in accordance with RFL ADR 13.
9. The disposition of these proceedings on the terms set out above will be publicly announced by UK Anti-Doping (including, without limitation, on its website).

ACKNOWLEDGED AND AGREED:



For and on behalf of UK Anti-Doping Ltd

By:

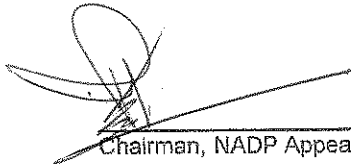
Date: 15 December, 2011

[REDACTED]

By:

Date: 14th December, 2011

SO ORDERED:



Chairman, NADP Appeal Panel

Date: 16 December 2011