



## **CONFIDENTIAL**

### **Agreement on the Consequences of the Anti-Doping Rule Violation in accordance with Article 8.3.1 of the WBSC Anti-Doping Rules**

#### **I. INTRODUCTION**

- A. The World Baseball and Softball Confederation (hereinafter the "WBSC") is the world governing body for the sport of Baseball and Softball.
- B. Mr Diego Goris Veras (hereinafter the "Athlete") is a baseball player from the Dominican Republic.
- C. The WBSC has delegated the implementation of the WBSC anti-doping programme to the International Testing Agency (hereinafter the "ITA"). Such delegation includes, amongst others, the Results Management of Adverse Analytical Findings (hereinafter "AAF") from baseball players under the jurisdiction of WBSC.

#### **II. SUMMARY OF RELEVANT FACTS**

1. On 26 June 2021, the Athlete was part of the Dominican Republic Baseball team that participated in the tournament "Final Baseball Qualifier, Mexico". The Athlete was selected for an In-Competition doping control and urine sample no(s) A and B-4611656 were collected from him.
2. The A and B-samples were transferred for analysis to the World Anti-Doping Agency ("WADA")-accredited laboratory in Havana, Cuba (the "Laboratory"). On 20 July 2021, the Laboratory reported an AAF for *Carboxy-THC* in sample A-4611656 in the estimated concentration of ~ 531 ng/mL. Such substance is banned In-Competition as per the 2021 WADA Prohibited List ("Prohibited List") and is classified under S8. Cannabinoids and is considered as *Specified Substance* ("Specified Substance").
3. Upon receipt of the AAF, the ITA conducted the Initial Review of the results under Article 7.2 of the WBSC Anti-Doping Rules ("WBSC ADR") and Article 5.1.1 of the International Standards for Results Management ("ISRM") and found that, according to the WBSC and the ITA records, (a) no applicable Therapeutic Use Exemption ("TUE") had been or was in the process of being granted to the Athlete and (b) there was no apparent departure from the International Standard for Testing and Investigations ("ISTI") or the International Standard for Laboratories (the "ISL") that could undermine the validity of the AAF, and (c) the AAF is not caused by the ingestion of the Prohibited Substance through a permitted route insofar *Carboxy-THC* is banned irrespective of the route of ingestion.
4. On 24 July 2021, the ITA notified the Athlete of the AAF and imposed a provisional suspension on him with immediate effect ("AAF Notification"). The Athlete was thus withdrawn from the National Team of the Republic Dominican and could not participate in the Olympic Games Tokyo 2020.
5. Though the AAF notification, the Athlete was informed of (i) the potential consequences of the AAF, (ii) the conditions for eliminating or reducing the period of ineligibility under the WBSC ADR, and (iii) his procedural rights, including the right to request the B-sample counter-analysis, a provisional hearing or an expedited final hearing, and (d) invited to submit explanations for the presence of the prohibited substance in his sample.

6. The AAF Notification also gave the Athlete the opportunity to admit to the AAF and made him aware that as provided for in the WBSC ADR, if the Athlete was (i) able to prove that the use of the prohibited substance was out-of-competition and unrelated to sports performance, and (ii) willing to complete a substance of abuse treatment program approved by the ITA, the ITA would be willing to expedite the proceedings and offer period of Ineligibility of one month from 24 July 2021 (date of provisional suspension) until 23 August 2021.
7. On 10 August 2021, the Athlete provided his explanations to the AAF Notification. In summary :
  - i. The Athlete accepted that he had committed an Anti-Doping Rule Violation ("ADRV").
  - ii. The Athlete stated that he had consumed "several rolls" of marijuana on 24 June 2021 to celebrate his team's victory. He further stated that he was unaware that marijuana was included in the WADA-Prohibited List. This assumption was based on his understanding that several states in USA had legalized the controlled consumption of marijuana.
  - iii. The Athlete admitted that he had committed a mistake and further emphasised that his use of the substance was purely recreational and out-of-competition. He consumed the substance on 24 June 2021 and his next game was on 26 June 2021 (two days later).
  - iv. The Athlete was willing to undergo a substance of abuse treatment program and requested the ITA to recommend an affordable treatment program in the vicinity of New York City (where he currently lived).
8. After review and in the context of Article 8.3.1 of the WBSC ADR exclusively, the ITA has come to the following determination.

### **III. FULL REASONING FOR THE AGREEMENT**

9. As per Article 2.1.1 of the WBSC ADR,

*"It is each Athlete's personal duty to ensure that no Prohibited Substance enters his or her body. Athletes are responsible for any Prohibited Substance or its Metabolites or Markers found to be present in their Samples. Accordingly, it is not necessary that intent, Fault, negligence or knowing Use on the Athlete's part be demonstrated in order to establish an anti-doping rule violation under Article 2.1*
10. In accordance with Article 2.1.2 of the WBSC ADR, sufficient proof of an ADRV under Article 2.1 is established by *inter alia* – *the presence of a Prohibited Substance or its Metabolites or Markers in the Athlete's A sample where the Athlete waives analysis of the B Sample and the B Sample is not analysed.*
11. In the present case, the Athlete admitted to the ADRV and did not request for the opening and analysis of the B-sample. Therefore, there is no doubt that the Athlete has committed an ADRV under Article 2.1 of the WBSC ADR for the *Presence of a Prohibited Substance or its Metabolites of Markers.*
12. According to Article 10.2.1 of the WBSC ADP, the period of *Ineligibility* imposed for the violation of Article 2.1 shall be two years unless WBSC establishes that the ADRV was intentional, as explained below

*10.2.1 The period of Ineligibility shall be four years where:*

...

10.2.1.2 The anti-doping rule violation involves a Specified Substance or a Specified Method and WBSC can establish that the anti-doping rule violation was intentional<sup>1</sup>.

10.2.2. If Article 10.2.1 does not apply, subject to Article 10.2.4.1, the period of Ineligibility shall be two (2) years.

13. However, as per Article 10.2.4.1 of the WBSC ADR, where the ADRV involves a Substance of Abuse<sup>2</sup>, such as carboxy-THC, the period of Ineligibility may be 3 months provided that the following circumstances are met:

10.2.4.1 If the Athlete can establish that any ingestion or Use occurred Out-of-Competition and was unrelated to sport performance, then the period of Ineligibility shall be three (3) months Ineligibility.

In addition, the period of Ineligibility calculated under this Article 10.2.4.1 may be reduced to one (1) month if the Athlete or other Person satisfactorily completes a Substance of Abuse treatment program approved by the WBSC. The period of Ineligibility established in this Article 10.2.4.1 is not subject to any reduction based on any provision in Article 10.6.

14. In the present case, via Explanations dated 10 August 2021, the Athlete:
- Admitted that he had consumed "several rolls" of marijuana and had committed an ADRV;
  - Confirmed that his use of the prohibited substance was out-of-competition on 24 June 2021;
  - Stated that the use of the prohibited substance was to celebrate the team's victory in a previous match and thus unrelated to sports performance; and
  - Agreed to undergo a substance of abuse treatment programme.
15. In light of the Explanations, the ITA considers that the Athlete has satisfied the requirements of Article 10.2.4.1 of the WBSC ADR and is entitled to receive a one-month period of Ineligibility.
16. As per the information available to the ITA and the WBSC, the Athlete has been respecting his provisional suspension in force since 24 July 2021.

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<sup>1</sup> The notion of "intentional" is defined in Article 10.2.3 of the WBSC ADR.

<sup>2</sup> The 2021 Prohibited List defines Substance of Abuse as follows: "Pursuant to Article 4.2.3 of the Code, Substances of Abuse are substances that are identified as such because they are frequently abused in society outside of the context of sport. The following are designated Substances of Abuse: cocaine, diamorphine (heroin), methylenedioxymethamphetamine (MDMA/"ecstasy"), tetrahydrocannabinol (THC)".



## **AGREEMENT ON CONSEQUENCES OF THE ABTI-DOPING RULE VIOLATION**

The terms and conditions of this Agreement are without prejudice to the rights and remedies which are available to the Athlete or the WBSC under the WBSC ADR and applicable laws, which rights are expressly reserved.

The findings of the "Assessment of the Explanations" and terms proposed are without prejudice to the approach that WBSC and/or the ITA will adopt in the event that further disciplinary proceedings on the matter in dispute are necessary, in the event that the Athlete refuses to enter into the proposed agreement. More precisely, WBSC and/or the ITA reserve the right to bring forward or amend any pleadings and/or request the application of any different applicable sanction in any potential future disciplinary proceedings on the matter in dispute.

This Agreement is by and between the Athlete and the WBSC under Article 8.3.1 of the WBSC ADR. By signing this Agreement, the Athlete has agreed with the WBSC on the consequences of the Anti-Doping Rule Violation and this Agreement shall be deemed to be a decision within the meaning of Article 13 of the WBSC ADR.

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In the matter of the adverse analytical finding for *carboxy-THC* related to sample number 4611656 which was collected from athlete Diego Goris Veras (the "Athlete") on 26 June 2021, at the Final Baseball Qualifier, Mexico, the Athlete and the ITA, on behalf of the WBSC, (hereinafter collectively "the Parties") agree on the following:

1. Anti-Doping Rule Violation:

The Athlete acknowledges to have committed an Anti-Doping Rule Violation under Article 2.1 of the WBSC ADR.

2. Ineligibility Period:

Pursuant to Article 10.2.2 and Article 10.2.4.1 of the WBSC ADR, the Athlete and WBSC agree that the applicable period of Ineligibility is **1 month** from 24 July 2021 (date of provisional suspension) until 23 August 2021.

3. Disqualification of Results:

In accordance with Article 9 of the WBSC ADR, the results obtained by the Athlete on 26 June 2021 are automatically disqualified with all the resulting consequences, including forfeiture of any medals, points and prizes. The Athletes does not have any competitive results since 26 June 2021.

As per Article 11.1 of the WBSC ADR, there is no consequences to the results obtained by the Federación Dominicana de Béisbol on 26 June 2021, which results are maintained.

4. Substance of Abuse Treatment Program:

The Athlete agrees to undergo a substance of abuse treatment program as approved by the WBSC. The cost of the treatment program shall be borne by the Athlete or the Federación Dominicana de Béisbol.

5. Right of Appeal:

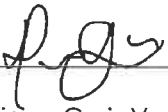

This agreement shall constitute the decision for this case. Insofar as the Athlete has accepted the Consequences for his ADRV as described in this Agreement, the Athlete is deemed to have waived his right to appeal the Consequences before any appellate



body that may have jurisdiction to hear such appeal. This agreement is communicated to the parties with right of appeal, namely the World Anti-Doping Agency and the Dominican Republic NADO in accordance with Article 13.2.3 of the WBSC ADR.

6. Public Disclosure:

The disposition of the Anti-Doping Rule Violation (including the identity of the Athlete) will be published in accordance with Article 14.3 of the WBSC ADR.

Signature of the Athlete:	Signature on behalf of the WBSC:
	
Name: Mr Diego Goris Veras	Name: Ms Dominique Leroux
Date: 8/24/2021	Date: 9/30/2021