

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

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

File Outcome Summary

**Summary**

1. The Canadian Centre for Ethics in Sport (CCES) conducted in-competition sample collection on August 11, 2018, in Kelowna, BC.
2. Mr. Lee (“the athlete”) was selected for doping control. The sample provided by the athlete returned an adverse finding for higenamine, a specified substance.
3. Following receipt of the CCES’ assertion of an anti-doping rule violation for the presence of higenamine, the athlete admitted the violation and waived his right to a hearing and accepted a sanction of fourteen (14) months ineligibility from sport.

**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 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 August 11, 2018, the CCES conducted an in-competition doping control session at the Kelowna Hard Knox Open, held in Kelowna, BC. Testing at this doping control session was conducted on participating CPU athletes, 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 4137762.
9. On August 14, 2018, 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. An adverse analytical finding was reported by the INRS laboratory on September 10, 2018 for higenamine.
11. Higenamine is classified as a specified substance on the 2018 WADA Prohibited List.
12. On September 19, 2018, the athlete signed a Voluntary Provisional Suspension (VPS).
13. On October 11, 2018, the CCES formally asserted a violation against the athlete for the presence of a specified substance.
14. In accordance with CADP Rule 10.2.2 the standard sanction for an anti-doping rule violation involving the presence of a specified substance is a two (2) year period of ineligibility.
15. On November 13, 2018, in response to the CCES' assertion, the athlete admitted to the anti-doping violation in a timely fashion in accordance with CADP Rule 10.11.2.
16. Based on a review of all information received from the athlete, including the athlete's admitted use of the substance on the day of competition, the CCES has determined that the athlete was not at significant fault or negligence for the violation. Further, the CCES has evaluated the athlete's degree of fault for the violation, considers it to be moderate and therefore has concluded that a reduction in sanction is warranted. The CCES' rationale for this outcome is the following:
  - i) The athlete was not, at the time of testing, a National or International athlete as defined in the CADP;

- ii) The athlete was new to the sport, did not have access to support services (trainers, team staff, etc.) and although educated, did not fully appreciate his anti-doping responsibilities;
  - iii) The athlete lapsed in his responsibility to properly check the ingredients listed on his supplement container for any prohibited substances;
  - iv) The CCES was satisfied with the athlete's explanation that it was inadvertent carelessness and that the athlete was not intentionally trying to cheat or enhance his sport performance by using the supplement.
17. On December 20, 2018, the CCES issued an amended Notification reducing the proposed sanction based on the explanation provided by the athlete.
18. Therefore, as this would be a first violation involving a specified substance, and after consideration for the factors outlined above, the CCES determined that the sanction for this violation should be a fourteen (14) month period of ineligibility (in accordance with Rules 10.2 and 10.5.1.1 of the CADP).

**Confirmation of Violation and Sanction**

19. On February 7, 2019, in response to the CCES' amended assertion, the athlete waived his right to a hearing and accepted the fourteen (14) month period of ineligibility proposed by the CCES.
20. Therefore, the fourteen (14) month sanction formally commenced on August 11, 2018 (the date of sample collection) and will conclude on October 10, 2019. All results from August 11, 2018 onward will be disqualified.
21. The CCES now considers this case closed.

Dated at Ottawa, Ontario on this 22 day of February 2019.



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Jeremy Luke  
Senior Director, Sport Integrity, CCES