

Issued Decision

UK Anti-Doping and Matthew Richardson

Disciplinary Proceedings under the Anti-Doping Rules of British Weightlifting

This is an Issued Decision made by UK Anti-Doping Limited ('UKAD') pursuant to the Anti-Doping Rules ('ADR') of British Weightlifting ('BWL'). It concerns Anti-Doping Rule Violations ('ADRVs') committed by Mr Matthew Richardson and records the applicable Consequences.

Capitalised terms used in this Decision shall have the meaning given to them in the ADR unless otherwise indicated.

Background and Facts

1. BWL is the national governing body for the sport of weightlifting in the United Kingdom. UKAD is the National Anti-Doping Organisation ('NADO') for the United Kingdom. BWL has adopted the UK Anti-Doping Rules as its own Anti-Doping Rules. At the material time, the governing ADR were the UK Anti-Doping Rules (Version 1.0, in effect from 1 January 2015) ('2015 ADR'). Pursuant to Article 1.6.2(d) of the 2021 UK Anti-Doping Rules (Version 1.0, in effect from 1 January 2021) ('2021 ADR') the procedural aspects of this case will be governed by the 2021 ADR. The 2015 ADR will still apply as the substantive anti-doping rules in this case.
2. Mr Richardson is a 39-year-old Welsh amateur weightlifter and coach. At the relevant time, Mr Richardson was the owner of Synergi Weightlifting Club in Cardiff, Wales. At all material times in this matter, Mr Richardson was subject to the jurisdiction of BWL and bound to comply with the ADR. Pursuant to the ADR, UKAD has results management responsibility in respect of all Athletes and Athlete Support Personnel that are subject to the jurisdiction of BWL.
3. In September 2019, UKAD received information concerning the supply of Prohibited Substances to a number of individuals. In light of the information provided, UKAD commenced an investigation and was subsequently able to identify Mr Richardson as a potential purchaser of Prohibited Substances.
4. According to the evidence obtained, Mr Richardson made two separate purchases of various Prohibited Substances on:

- a) 11 February 2019 for “2 x *nolva*, 2 x *proviron*”; and
- b) 14 March 2019 for “4 x *hcg* 1 x *nolva*, 1 x *clomid*”

5. The Prohibited Substances included in these purchases can be described as follows:

- a) “*nolva*” (full name Nolvadex) is the drug/brand name for the Prohibited Substance Tamoxifen, which features at section S4.2 of the 2019 World Anti-Doping Agency (‘WADA’) Prohibited List as a Selective Estrogen Receptor Modulator. It is a Specified Substance that is prohibited at all times.
- b) “*proviron*” is the drug/brand name for the Prohibited Substance Mesterolone, which is listed at section S1.1 of the 2019 WADA Prohibited List (Anabolic Androgenic Steroids). It is a non-Specified Substance that is prohibited at all times.
- c) “*hcg*” is the short-hand name of the Prohibited Substance Human Chorionic Gonadotropin, which is listed at section S2.2 of the 2019 WADA Prohibited List (Peptide Hormones). It is a non-Specified Substance that is prohibited at all times.
- d) “*clomid*” is the drug/brand name for the Prohibited Substance, Clomifene, which is listed at section S4.3 of the WADA 2019 Prohibited List (other anti-estrogenic substances). It is a Specified Substance that is prohibited at all times.

6. The evidence suggested that these purchases had been delivered to Mr Richardson at Synergi Weightlifting Club in Cardiff.

7. On 11 August 2020, Mr Richardson attended an interview with UKAD in relation to the purchase on 11 February 2019. Mr Richardson provided frank admissions to having purchased the Prohibited Substances and admitted to knowing that they were banned at the time of purchase. Mr Richardson asserted that despite purchasing these Prohibited Substances for his personal use, he did not in fact go on to use them.

8. On 19 May 2021, Mr Richardson attended a second interview with UKAD in relation to the purchase on 14 March 2019. Mr Richardson once again provided full and frank admissions to having purchased the Prohibited Substances and admitted to knowing

they were banned. Again, Mr Richardson stated that he never went on to use the Prohibited Substances he bought.

9. On 1 November 2021, UKAD issued Mr Richardson with a notification letter ('the Notice'). The Notice confirmed the imposition of a Provisional Suspension and formally notified Mr Richardson, in accordance with 2021 ADR Article 7.8, that he may have committed:
 - a) An ADRV pursuant to ADR Article 2.2, in that he Attempted to Use several Prohibited Substances, namely: i) tamoxifen ii) mesterolone; iii) human chorionic gonadotropin; and iv) clomifene, on or after 11 February 2019 and/or 14 March 2019; and
 - b) An ADRV pursuant to ADR Article 2.6, in that he was in Possession of several Prohibited Substances, namely: i) tamoxifen ii) mesterolone; iii) human chorionic gonadotropin; and iv) clomifene, on or after 11 February 2019 and/or 14 March 2019.
10. In the Notice, UKAD invited Mr Richardson to provide an explanation for the asserted ADRVs.
11. In an email dated 10 November 2021, Mr Richardson responded to UKAD, admitting that he purchased the Prohibited Substances listed above for personal use. Mr Richardson stated that one of his orders did not arrive and when he eventually did receive a package containing Prohibited Substances, he changed his mind about using them and disposed of them.
12. On 22 February 2022 UKAD proceeded to issue Mr Richardson with a Charge Letter, which formally charged Mr Richardson with the ADRVs asserted in the Notice. The Charge Letter also informed Mr Richardson that the asserted period of Ineligibility for the ADRVs charged was four (4) years, pursuant to 2015 ADR Article 10.2.1(a).

Admission and Consequences

13. In an email dated 27 February 2022, Mr Richardson responded to the Charge Letter. Further to his earlier admissions to purchasing the Prohibited Substances listed in the Charge Letter for his personal use, Mr Richardson asserted that he was 'briefly' in Possession of one of the packages, going on to state that he did not use the Prohibited Substances that were delivered and disposed of them soon after they had arrived.

Attempted Use ADRV

14. 2015 ADR Article 2.2 provides that the following is an ADRV:

2.2 Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method, unless the Athlete establishes that the Use or Attempted Use is consistent with a TUE granted in accordance with Article 4

15. 'Use' is defined in the 2015 ADR as:

The utilisation, application, ingestion, injection or consumption by any means whatsoever of any Prohibited Substance or Prohibited Method.

16. 'Attempt' is defined in the 2015 ADR as:

Purposely engaging in conduct that constitutes a substantial step in a course of conduct planned to culminate in the commission of an Anti-Doping Rule Violation. Provided, however, there shall be no Anti-Doping Rule Violation based solely on an Attempt to commit a violation if the Athlete or other Person renounces the Attempt prior to it being discovered by a third party not involved in the Attempt.

17. Mr Richardson admitted to ordering and paying for a number of Prohibited Substances to be delivered to him at his work address, for the purpose of using them personally, on two separate occasions. At the point Mr Richardson purchased the Prohibited Substances, by his own admission, he intended to use them. For the purpose of 2015 ADR Article 2.2, this conduct constitutes Mr Richardson taking 'a substantial step in a course of conduct planned to culminate in the commission of an Anti-Doping Rule Violation'. Notwithstanding Mr Richardson's account that he disposed of the Prohibited Substances contained in the sole package that was delivered to him, he took no steps to renounce either of his purchases of Prohibited Substances at any stage. On this basis, Mr Richardson's conduct constitutes an ADRV of Attempted Use for the purpose of 2015 ADR Article 2.2.

Possession ADRV

18. 2015 ADR Article 2.6 further provides that the following is an ADRV:

2.6 Possession of a Prohibited Substance and / or a Prohibited Method

2.6.1 [...] Possession by an Athlete Out-of-Competition of any Prohibited Substance [...] which is prohibited Out-of-Competition unless the Athlete establishes that the Possession is consistent with a Therapeutic Use Exemption ('TUE') granted in accordance with Article 4 or other acceptable justification.

19. 'Possession' is defined in the 2015 ADR as:

The actual, physical Possession, or the constructive Possession (which shall be found only if the Person has exclusive control or intends to exercise control over the Prohibited Substance or Prohibited Method or the premises in which a Prohibited Substance or Prohibited Method exists); provided, however, that if the Person does not have exclusive control over the Prohibited Substance or Prohibited Method or the premises in which a Prohibited Substance or Prohibited Method exists, constructive Possession shall only be found if the Person knew about the presence of the Prohibited Substance or Prohibited Method and intended to exercise control over it. [...] Notwithstanding anything to the contrary in this definition, the purchase (including by any electronic or other means) of a Prohibited Substance or Prohibited Method constitutes Possession by the Person who makes the purchase.

(emphasis added)

20. Mr Richardson admits to having had actual, physical Possession of the Prohibited Substances contained in the package that was delivered to his work address. In relation to the package that Mr Richardson asserts never arrived, in accordance with the definition of Possession in the 2015 ADR, Mr Richardson's purchase of the Prohibited Substances in that package constitutes an ADRV of Possession for the purpose of 2015 ADR Article 2.6.

21. 2015 ADR Article 10.2 provides as follows:

10.2 Imposition of a Period of Ineligibility for the Presence, Use or Attempted Use, or Possession of a Prohibited Substance and/or a Prohibited Method

The period of Ineligibility for an Anti-Doping Rule Violation under Article 2.1, 2.2, or 2.6 that is the Athlete's or other persons first anti-doping offence shall

be as follows, subject to a potential reduction or suspension pursuant to Article 10.4, 10.5, or 10.6:

10.2.1 The period of Ineligibility shall be four years where:

(a) The Anti-Doping Rule Violation does not involve a Specified Substance, unless the Athlete or other Person can establish that the Anti-Doping Rule Violation was not intentional.

(b) [...]

10.2.2 If Article 10.2.1 does not apply, the period of Ineligibility shall be two years.

22. In accordance with 2015 ADR Article 10.2.1(a), since this matter concerns both Specified and Non-Specified Substances, the period of Ineligibility to be imposed shall be four (4) years, unless Mr Richardson can establish, on the balance of probability, that the ADRVs were not intentional.

23. With regard to the meaning of 'intentional', 2015 ADR Article 10.2.3 states as follows:

As used in Articles 10.2 and 10.3 the term "intentional" is meant to identify those Athletes or Persons who cheat. The term, therefore, requires that the Athlete or other Person engaged in conduct which he or she knew constituted an Anti-Doping Rule Violation or knew that there was a significant risk that the conduct might constitute or result in an Anti-Doping Rule Violation and they manifestly disregarded that risk [...]

24. Since his first interview and in each of his responses to UKAD, Mr Richardson has candidly admitted to purchasing Prohibited Substances for his personal use. Mr Richardson has made no attempt to suggest that he did not commit the ADRVs intentionally, as defined in ADR Article 10.2.3. Mr Richardson has made unequivocal admissions that he knew the substances he purchased were banned in sport. It follows therefore that Mr Richardson is not entitled to a two (2) year period of Ineligibility pursuant to 2015 ADR Article 10.2.2 or any reduction pursuant to 2015 ADR Article 10.4 (No Fault or Negligence) or 2015 ADR Article 10.5 (No Significant Fault or Negligence) thereafter.

25. For the purposes of imposing a sanction, the two ADRVs will be considered together as a single first violation, pursuant to 2015 ADR Article 10.7.4, which states as follows:

10.7.4 Additional rules for certain potential multiple offences:

- (a) *For the purposes of imposing sanctions under Article 10.7, an Anti-Doping Rule Violation will only be considered a second Anti-Doping Rule Violation if UKAD can establish that the Athlete or other Person committed the second Anti-Doping Rule Violation after he/she received notice, or after UKAD or its designee made a reasonable attempt to give notice, of the first Anti-Doping Rule Violation. Otherwise, the Anti-Doping Rule Violations shall be considered as one single first Anti-Doping Rule Violation, and the sanction imposed shall be based on the Anti-Doping Rule Violation that carries the more severe sanction.*

26. The applicable period of Ineligibility is therefore four (4) years.

Commencement of the period of Ineligibility

27. 2015 ADR Article 10.11 requires that the period of Ineligibility starts on the date Ineligibility is accepted or otherwise imposed where there is no hearing.

28. 2015 ADR Article 10.11.2 (Timely Admission) further provides:

Where the Athlete or other person promptly (which means, in any event, before he/she competes again) admits the Anti-Doping Rule Violation after being confronted with it by UKAD, the period of Ineligibility may start as early as the date of Sample collection or the date on which another Anti-Doping Rule Violation last occurred. In each case, however, where this article is applied, the Athlete or other Person shall serve at least one-half of the period of Ineligibility going forward from the date the Athlete or other Person accepted the imposition of a sanction, the date of which a hearing decision imposing a sanction, or the date the sanction is otherwise imposed [...]

29. Mr Richardson was first confronted with the ADRVs in interview with UKAD on 11 August 2020. During this interview (and again in his subsequent interview on 19 May 2021), Mr Richardson made full admissions to the purchase of the Prohibited Substances and acknowledged that his conduct violated the ADR. Mr Richardson continued to accept responsibility for purchasing Prohibited Substances in response to both the Notice and Charge Letters. Further, there is no evidence to suggest Mr Richardson has participated in any Events recognised by BWL since his interview with UKAD on 11 August 2020. UKAD therefore considers Mr Richardson to have made a Timely Admission for the purpose of ADR Article 10.11.2.

30. In accordance with 2015 ADR Article 10.11.2, the period of Ineligibility may start on the date on which the last ADRV occurred which, in this case, would be 14 March 2019, being the date of the second purchase of Prohibited Substances. However, Mr Richardson must serve half of the applicable four (4) year period of Ineligibility from the date he accepts the imposition of a sanction, being the date of this Decision. Therefore, Mr Richardson's period of Ineligibility will be deemed to have commenced on 18 August 2020. The period of Ineligibility will therefore expire at midnight on 17 August 2024.

Status during Ineligibility

31. During any period of Ineligibility, in accordance with 2021 ADR Article 10.14.1, Mr Richardson shall not be permitted to participate in any capacity (or assist any Athlete participating in any capacity) in any Competition, Event or other activity (other than authorised anti-doping education or rehabilitation programmes) organised, convened, authorised or recognised by:
- a) BWL or any body that is a member of, or affiliated or licensed by BWL;
 - b) Any Signatory;
 - c) Any club or other body that is a member of, or affiliated to, or licensed by a Signatory or a Signatory's member organisation;
 - d) Any professional league or any international-level or national-level Event, organisation; or
 - e) Any elite or national-level sporting activity funded by a governmental agency.
32. Mr Richardson may return to train and use the facilities of a BWL club or a Signatory's member organisation during the last two months of his period of Ineligibility (i.e. from midnight on 17 June 2024) pursuant to 2021 ADR Article 10.14.4(b).

Summary

33. For the reasons given above, UKAD has issued this Decision in accordance with 2021 ADR Article 7.12.2 and records that:

- a) Mr Richardson has committed ADRVs pursuant to 2015 ADR Articles 2.2 and 2.6;
 - b) In accordance with 2015 ADR Article 10.7.4(a), the ADRVs are considered as one single ADRV for the purpose of imposing a sanction;
 - c) This constitutes Mr Richardson's first ADRV and, in accordance with 2015 ADR Article 10.2.1(a), the period of Ineligibility is four (4) years;
 - d) In accordance with 2015 ADR Article 10.11.2, Mr Richardson's period of Ineligibility is deemed to have commenced on 18 August 2020 and will expire at midnight on 17 August 2024; and
 - e) Mr Richardson's status during the period of Ineligibility shall be as detailed in 2021 ADR Article 10.14.
34. Mr Richardson, BWL, the International Weightlifting Federation, and WADA have a right to appeal against this Decision or any part of it in accordance with 2021 ADR Article 13.4.
35. This Decision will be publicly announced via UKAD's website in accordance with 2015 ADR Articles 10.13 and 8.4.3.

18 August 2022