

**IN THE MATTER OF PROCEEDINGS BROUGHT
UNDER THE ANTI-DOPING RULES OF
THE BRITISH BOXING BOARD OF CONTROL**

Before:

Matthew Lohn (Chair)

Professor Isla Mackenzie

Professor Dorian Haskard

B E T W E E N:

UK ANTI-DOPING LIMITED

Anti-Doping Organisation

and

LIAM CAMERON

Respondent

DECISION OF THE ANTI-DOPING TRIBUNAL

Introduction

1. This is the decision of the Anti-Doping Tribunal ("the Tribunal") convened¹ to determine a charge brought against Mr Liam Cameron ("Mr Cameron").
2. The British Boxing Board of Control ("BBBoC") is the National Governing Body for the sport of professional boxing in the UK and has adopted the UK Anti-Doping Rules ("ADR") in their entirety.
3. A hearing was convened in London on 06 December 2018 to determine a charge arising from the alleged commission of an Anti-Doping Rule Violation ("ADRV") in breach of Article 2.1² of the ADR. The allegation was that a metabolite of a Prohibited Substance, namely benzoylecgonine, was present in a urine sample provided by Mr Cameron on 27 April 2018. Benzoylecgonine is a metabolite of cocaine and cocaine is on the World Anti-Doping Agency ("WADA") Prohibited List 2018 ("the Prohibited List") as a non-Specified Stimulant under section S6(a). It is prohibited In-Competition only.
4. At the hearing, Mr Cameron was present and represented on a pro bono basis by Mr Rupert Beloff of 4-5 Gray's Inn Square. UK Anti-Doping Limited ("UKAD") was represented by Mr Ben Davies (advocate) and Mr Phillip Law of UKAD.
5. This document is the reasoned decision of the Tribunal, reached after consideration of the written evidence and submissions made by the parties attending at the hearing. We indicate below our findings of fact, reasoning and conclusions.

Factual Background

6. Mr Cameron is a 27-year-old middleweight/super middleweight professional boxer from Sheffield. Mr Cameron's first professional fight was in 2009, since then

¹ Under Article 8.1 of the UK Anti-Doping Rules dated 1 January 2015 ("ADR") adopted by the British Boxing Board of Control ("BBBoC").

² Titled "Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample".

he has fought on twenty-six occasions including four Commonwealth titles at two weights. Mr Cameron's last bout was on 27 April 2018 at IceSheffield Arena against Nicky Jenman for the Commonwealth (British Empire) Middleweight Title. A fight which Mr Cameron won by technical knockout.

7. On 27 April 2018, a Doping Control Officer collected a urine sample from Mr Cameron In-Competition following the bout between Mr Cameron and Nicky Jenman. Mr Cameron's urine sample was split into two separate bottles. These were given reference numbers A1139879 (the "A Sample") and B1139879 (the "B Sample").
8. Both samples were transported to the WADA accredited laboratory in London, the Drug Control Centre, King's College London ("the Laboratory"). The Laboratory analysed the A Sample in accordance with the procedures set out in WADA's International Standard for Laboratories.
9. The analysis returned an Adverse Analytical Finding ("AAF") for benzoylecgonine, which is a metabolite of cocaine. Cocaine is classified as a non-Specified Stimulant under section S6(a) of the Prohibited List. It is prohibited In-Competition only. As Mr Cameron's urine sample was obtained In-Competition, the detection of benzoylecgonine amounted to an AAF.

The Charge

10. UKAD charged Mr Cameron with a violation of ADR Article 2.1 in that on 27 April 2018 the metabolite of a Prohibited Substance (namely benzoylecgonine) was present in his A Sample ("the Charge"). Mr Cameron was notified of the Charge by a letter dated 25 May 2018 (the "Notice of Charge"). The Notice of Charge also provisionally suspended Mr Cameron from participation in all competitions, events or other activities that are organised, convened, authorised or recognised by the BBBoC in accordance with provisions of ADR Article 7.9.
11. Mr Cameron waived his right to have his B Sample analysed. He accepted the

Charge on 31 August 2018.

12. There were two issues to be determined by the Tribunal. There was a preliminary issue of whether the results from a urine sample test undertaken on Mr Cameron in 2017 should be admitted as evidence in the current proceedings, and a substantive issue in relation to the length of the sanction that should be imposed on Mr Cameron.

Admissibility of the results from Mr Cameron's 2017 Sample

13. A preliminary issue before the Tribunal was whether the results from Mr Cameron's urine sample with the reference number A1132318 taken on 13 October 2017 (the "2017 Sample") should be admitted as evidence in the current proceedings.
14. UKAD argued in favour of admitting the results from Mr Cameron's 2017 Sample. It put forward evidence to show that Mr Cameron's 2017 Sample contained a concentration of benzoylecgonine (the same substance found in Mr Cameron's A Sample in the current proceedings). However, the concentration in the 2017 Sample was less than the reporting threshold and therefore it was recorded as negative and did not amount to an AAF. The reporting threshold was 50ng/ml and the concentration in Mr Cameron's 2017 Sample was estimated to be 40ng/ml.
15. UKAD submitted that the results from Mr Cameron's 2017 Sample should be admitted as evidence in the current proceedings because it was evidence that Mr Cameron has previously used cocaine, which conflicted with his statement that he has never used cocaine for either recreational or sporting purposes. UKAD submitted that this fact also undermined Mr Cameron's credibility which would be relevant when the Tribunal considers the issue of intention and Mr Cameron's account of how he ingested the cocaine.
16. UKAD further submitted that Mr Cameron's 2017 Sample should be admitted as evidence because, if the Tribunal accepted that Mr Cameron's ingestion of cocaine

was not intentional and then considered ADR Articles 10.4³ and 10.5⁴, the results of the testing of Mr Cameron's 2017 Sample would give the Tribunal an insight into Mr Cameron's behaviour, specifically in that Mr Cameron manifestly disregarded the risk of committing an ADRV and took no precautions to prevent the same (even after having been warned about the potential consequences of committing an ADRV).

17. Mr Beloff rejected UKAD's arguments and submitted that because the 2017 Sample was not reported as an AAF it was not subject to the usual checks and balances. Consequently Mr Cameron never had the opportunity to challenge the 2017 Sample or elect to have his B sample analysed.
18. Mr Beloff further submitted that if Mr Cameron's 2017 Sample was admitted as evidence in the current proceedings, UKAD would seek to rely on it in its arguments on intention. As a result, Mr Cameron would need to address the circumstances surrounding his 2017 Sample which would then lengthen the current proceedings and lead them down an unnecessary route.
19. The Tribunal considered the parties submissions and held that Mr Cameron's 2017 Sample would not be admitted as evidence in the proceedings. The Tribunal

³ "10.4 Elimination of the Period of Ineligibility where there is No Fault or Negligence

If an Athlete or other Person establishes in an individual case that he/she bears No Fault or Negligence for the Anti-Doping Rule Violation charged, then the otherwise applicable period of Ineligibility shall be eliminated".

⁴ "10.5 Reduction of the period of Ineligibility based on No Significant Fault or Negligence

10.5.1 [...]

10.5.2 Application of No Significant Fault or Negligence beyond the Application of Article 10.5.1:

In an individual case where Article 10.5.1 is not applicable, if an Athlete or other Person establishes that he/she bears No Significant Fault or Negligence, then (subject to further reduction or elimination as provided in Article 10.6) the otherwise applicable period of Ineligibility may be reduced based on the Athlete's or other Person's degree of Fault, but the reduced period of Ineligibility may not be less than one-half of the period of Ineligibility otherwise applicable. If the otherwise applicable period of Ineligibility is a lifetime, the reduced period under this Article may be no less than eight years".

reached this conclusion after deciding that it would be unfair to do so, given the fact that the 2017 Sample was never formally recorded as an AAF and because Mr Cameron was never able to challenge it. Subsequently the admission of the 2017 Sample results would raise more questions than it could helpfully answer.

20. After concluding on this preliminary issue, the Tribunal heard the parties' arguments on the substantive issue before them, namely the approach the Tribunal should adopt when considering the question of the correct period of Ineligibility to impose.

Period of Ineligibility under the ADR

21. This was Mr Cameron's first ADR violation. ADR Article 10.2 provides:

The period of Ineligibility for an Anti-Doping Rule Violation under Article 2.1 [...] that is the Athlete's [...] first anti-doping offence shall be as follows, subject to 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 [...] 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. The starting point for the Tribunal was therefore to adopt the sanction set out at ADR Article 10.2.1(a), namely four years subject to any consideration of the issue of intention. If Mr Cameron could prove that his ADRV was not intentional, the starting point would be two years as per ADR Article 10.2.2.

'Intention' under the ADR

23. Both parties agreed that in order for the Tribunal to accept that the ingestion of cocaine was not intentional, the route of ingestion of the cocaine had to be proved by Mr Cameron, on the balance of probabilities.

24. The term intentional is defined in ADR Article 10.2.3 as follows:

10.2.3 [...] the term "intentional" is meant to identify those Athletes [...] who cheat. The term, therefore, requires that the Athlete [...] 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 manifestly disregarded that risk [...] An Anti-Doping Rule Violation resulting from an Adverse Analytical Finding for a substance which is only prohibited In-Competition shall not be considered "intentional" if the substance is not a Specified Substance and the Athlete can establish that the Prohibited Substance was Used Out-Of-Competition in a context unrelated to sport performance.

25. Mr Cameron's response to the Notice of Charge as further expanded in his witness statement and in his evidence before the Tribunal, sought a reduction in the period of Ineligibility from four years to two years on the basis that his ADRV was not intentional. In his witness statement, Mr Cameron asked the Tribunal to accept his account of the route of ingestion of cocaine and agree that "*the failed test was not a result of [Mr Cameron] knowingly taking cocaine either recreationally or otherwise*".

26. Mr Cameron's explanation for the positive test was that he had inadvertently ingested cocaine whilst handling a large number of banknotes which he was in possession of having been selling tickets for the fight (he was paid by reference to the gate receipts and was incentivised to sell as many as he could). Mr Cameron explained he was handling and counting cash up (which amounted to several thousand pounds) until the day before the fight and that he was touching the bank notes, which are in general terms always contaminated with cocaine, as well as touching surfaces otherwise contaminated with cocaine.

27. Mr Cameron's position was that the contamination of his hands via bank notes and surfaces happened at various locations such as public houses in what he referred to as a 'rough part' of Sheffield. Mr Cameron further asserted that he is a habitual nail-biter and that this resulted in the transfer and oral ingestion of cocaine and accounted for the presence of benzoylecgonine in his A Sample.
28. UKAD referred the Tribunal to the case of *UKAD v Buttifant*⁵ and submitted that the principles of that case were applicable to this matter, specifically in that the burden is on Mr Cameron to prove, on the balance of probabilities, the route of ingestion of the cocaine, and only if Mr Cameron does this can the Tribunal accept that the ingestion was not intentional. UKAD further submitted that it would only be in very rare circumstances that a Tribunal could conclude that ingestion had not been intentional where an Athlete could not prove the route of ingestion of the substance that led to an ADRV (and Mr Cameron's case was not one of those exceptional cases). UKAD submitted that these principles are also further elucidated in *UKAD v Curry*⁶ and *UKAD v Townsend*⁷.
29. UKAD also reminded the Tribunal that it is easy for an Athlete to assert inadvertent ingestion, and referred the Tribunal to the case of *IWBF v UKAD & Gibbs*⁸.
30. The Tribunal was provided with a report from UKAD's Expert, Professor David Cowan of King's College London.
31. In his report, Professor Cowan considered three possible scenarios of ingestion (i) the explanation provided by Mr Cameron, namely ingestion by nail-biting via contaminated bank notes and surfaces; (ii) the administration of a larger pharmacologically effective dose of cocaine two to three days before collection of Mr Cameron's urine sample (a recreational dose); or (iii) the administration of a smaller amount of cocaine less than twelve hours before the competition.

⁵ SR/NADP/508/2016 See paragraphs 27, 28, 29 and 31.

⁶ SR/NADP/887/2017 (see paragraphs 41 and 42) and SR/NADP/968/2017 (see paragraph 37).

⁷ SR/NADP/481/2015 (see paragraphs 51, 52 and 53).

⁸ CAS 2010/A/2230.

32. UKAD submitted that whilst Professor Cowan had suggested three different scenarios as to how Mr Cameron's ADRV could have arisen, the Tribunal should only take into consideration Mr Cameron's own explanation of how he ingested the cocaine. UKAD explained that they were not there to suggest alternatives to Mr Cameron's account and it was only Mr Cameron who had to satisfy the burden of proof.
33. In addressing Mr Cameron's account, Professor Cowan summarised that because of the estimated dosage required to cause the concentration of benzoylecgonine that was present in Mr Cameron's A Sample, and due to scientific studies into bank note contamination, Mr Cameron's account of how he ingested the cocaine was "*unlikely [to be] the source of the cocaine administered by Mr Cameron*". Professor Cowan explained to the Tribunal that studies have shown that 92% of bank notes are found to be contaminated with cocaine with an average amount of approximately 29 micrograms per note (with a range of less than 1 microgram to nearly 1 milligram per note) although the new polymer notes would contain less. He also explained that much of the cocaine found on bank notes is captured in the fibres of non-polymer notes and as such is not readily transferred onto a person's hands.
34. When asked directly about the Mr Cameron's account, Professor Cowan explained that he could not give a scientific opinion that would be any more than speculation about the plausibility of Mr Cameron's explanation.
35. UKAD submitted that, as illustrated by Professor Cowan's report, Mr Cameron had failed to establish, on the balance of probabilities, the route of ingestion of the cocaine in his A Sample.
36. UKAD submitted that Mr Cameron's account of the route of ingestion of cocaine was not credible or persuasive, specifically because Mr Cameron was uncertain in relation to his answers and that he failed to offer any evidence to successfully corroborate his account.
37. UKAD further submitted that if the Tribunal determined that Mr Cameron had failed to establish the route of ingestion of cocaine, it followed that the ingestion must be held to be intentional as defined by ADR Article 10.2.3. Therefore, Mr

Cameron would not be entitled to a reduction in his sanction from four years to two years.

38. During the proceedings Mr Cameron submitted a receipt, showing the amount of money he received from ticket sales, as evidence in the current proceedings. Mr Cameron claimed the receipt corroborated his account that he was on a ticket deal for the fight on 27 April 2018 (i.e. that he had to sell his own tickets to the fight and therefore he handled a large number of bank notes). UKAD submitted that this evidence in no way corroborated Mr Cameron's account and instead it raised even more inconsistencies (including an inconsistency with his witness statement as to the amount of money Mr Cameron received from his ticket sales and consequently the number of bank notes he would have physically touched).
39. The Tribunal then retired and considered the parties written and oral submissions and evidence.

Tribunal's Findings as to Intention and period of Ineligibility

40. The Tribunal determined that the period of Ineligibility will be four years pursuant to ADR Article 10.2.1.
41. The Tribunal concluded that Mr Cameron's account as to the ingestion of cocaine was purely speculative. The Tribunal did not find Mr Cameron to be a credible or convincing witness. It concluded that he had not provided the necessary granular evidence that would have enabled the Tribunal to begin to believe his account. The proposition that there was sufficient cocaine on bank notes and uncleaned surfaces in public houses to facilitate this being transferred to his hands and thereafter into his alimentary system was fanciful and implausible. The Tribunal therefore concluded that Mr Cameron had not proven, on the balance of probabilities, that he ingested the cocaine in the way he so submitted. In addition, there were no exceptional or other circumstances in this case which would entitle the Tribunal to nevertheless conclude that ingestion had not been intentional.
42. It followed that the Tribunal had to conclude that Mr Cameron's ingestion of

cocaine was intentional and therefore, pursuant to ADR Article 2.1, the Ineligibility period would be four years. In the light of this finding there was no scope for the Tribunal to consider any further elimination or reduction pursuant to ADR Articles 10.4 or 10.5.

43. The Tribunal also determined that Mr Cameron did not qualify for a prompt admission reduction to his period of Ineligibility, since he did not admit to the violation until approximately three months after receiving the Notice of Charge.

Decision

44. The Tribunal determined that Mr Cameron's violation under ADR Article 2.1 had been admitted and that it had been established that the A Sample tested positive for a Prohibited Substance, namely benzoyllecgonine, a metabolite of cocaine.
45. The Tribunal concluded that Mr Cameron will be subject to a period of Ineligibility of four years commencing on 25 May 2018 and concluding at midnight on 24 May 2022 inclusive.
46. The Tribunal determined that the period of Ineligibility would start from the date of the Notice of Charge which was the first day that Mr Cameron was suspended from all competitions, events and other activities that are organised, convened, authorised or recognised by the BBBoC.
47. There is a right to appeal against this decision as provided for in ADR Article 13.4.



Matthew Lohn (Chair)

For and on behalf of the Tribunal

19 December 2018

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