

In the matter of the Canadian Anti-Doping Program;

And in the matter of an anti-doping rule violation by Alex “Marcus” Vargas asserted by the Canadian Centre for Ethics in Sport;

File Outcome Summary

Summary

1. The Canadian Centre for Ethics in Sport (“CCES”) initiated a review of Mr. Alex “Marcus” Vargas (“the Athlete”) conduct pertaining to multiple anti-doping rule violations (“ADRVs”) following receipt of a disciplinary decision from the Alberta Cheer Association (“ACA”) dated July 20, 2022.
2. The Athlete acknowledged his own use of cocaine, as well as the Administration and Trafficking of cocaine to a Protected Person, in his role as an Athlete Support Person, during the Alberta Cold Snap Classic on January 23, 2022. At all relevant times the Athlete was subject to the Canadian Anti-Doping Program (“CADP”).
3. Following receipt of the CCES’ Notice of Charge, asserting ADRV’s for the Use of Cocaine, and the Administration and Trafficking of Cocaine to a Protected Person, the Athlete failed to dispute the ADRV’s within the timelines specified in the CADP; this resulted in the ADRV’s and sanction being confirmed by way of a deemed waiver. The lifetime ban started on March 13, 2023.

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 implements the 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 the International Standards through the CADP, the domestic rules which governed this proceeding. The purpose of the Code and of the CADP is to protect the rights of athletes to fair competition.
6. 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 2021 CADP was adopted by Cheer Canada on November 27, 2020. Therefore, as a member of Cheer Canada and/or as a participant in Cheer Canada sport activities at the time of the ADRV’s, the Athlete was subject to the Rules of the CADP.

Results Management

7. Cocaine is a non-specified Prohibited Substance that is Prohibited In-Competition only and was included on the 2022 World Anti-Doping Agency (“WADA”) Prohibited List; it is also classified as a Substance of Abuse on the 2022 Prohibited List.

8. Upon receipt of the disciplinary decision from the ACA, the CCES commenced an initial review into the potential ADRVs and issued a notification to the Athlete on February 15, 2023, pursuant to CADP Rule 7.2. The ADRVs that were the subject of this notification concerned the Athlete's Use of Cocaine, and the Administration and Trafficking of Cocaine to a Protected Person, during an In-Competition period in conjunction with the Alberta Cold Snap Classic on January 23, 2022. The Athlete did not respond to this notification.
9. On March 13, 2023, the CCES formally issued a Notice of Charge, asserting the aforementioned ADRVs. Within its Notice of Charge, the CCES asserted a lifetime period of Ineligibility pursuant to Rules 8.4.2, 10.2.1.1 and 10.3.3 of the CADP.

Confirmation of Violation and Sanction

10. The Athlete failed to dispute the ADRVs within the timelines specified in the CADP and the Notice of Charge. Accordingly, effective April 3, 2023, the asserted ADRVs were confirmed against the Athlete for the Use of Cocaine, and the Administration and Trafficking of Cocaine to a Protected Person in accordance with CADP Rule 8.4.2. In accordance with CADP Rules 8.4.2, 10.2.1.1, 10.3.3, the sanction for these ADRVs is a lifetime period of Ineligibility, which commenced on March 13, 2023 (the date the Athlete was provisionally suspended).
11. Further, in accordance with CADP Rules 10.1 and 10.10, any competitive results obtained by the Athlete during the Alberta Cold Snap Classic, and from any subsequent Event, must be Disqualified.
12. The CCES now considers this case closed.

Dated at Ottawa, Ontario this 18th day of April 2023.



Kevin Bean
Executive Director, Sport Integrity
CCES