

**INTERNATIONAL WATERSKI
AND
WAKEBOARD FEDERATION**

**Supplemental Case Decision Regarding
Carolina Rodriguez Davila**

Decision of Anti-Doping hearing Panel

September 27, 2019

Hearing Panel
Jeffrey Smith
Philippa Shedd
Silvia Terracciano

Decision

I. Introduction

On October 16, 2018, this International Waterski and Wakeboard Federation's ("IWWF") Anti-Doping Hearing Panel (the "Panel") rendered its decision on an alleged violation by Carolina Rodriguez Davila of IWWF's Anti-Doping Rules (the "Rules"). That Decision reported the Panel's findings that Ms. Rodriguez had violated IWWF's Rules. Among other sanctions, a period of ineligibility was ordered from 14 October 2017 to 13 October 2019.

A supplemental charge was brought in this matter as set forth in a Notice of Charge from IWWF to Ms. Rodriguez, dated 28 March 2019. Specifically, the Notice of Charge alleged that Ms. Rodriguez had participated in the 2019 Moomba Masters wakeboard event (the "Event"). Although the Event was not sanctioned by IWWF or another signatory to the World Anti-Doping Code, the Event was sanctioned by an international event organization. See Rule 10.12.1.

The matter was referred to the Panel for further proceedings. In connection with these supplemental proceedings, Ms. Rodriguez was advised of the nature and potential consequences of the anti-doping rule violation alleged in this supplemental case, the procedures that would be followed throughout these proceedings, and of her rights to a fair hearing. Both IWWF and Ms. Rodriguez asked the Panel to consider this matter based on written submissions and evidence from the parties, without a formal hearing. Ms. Rodriguez raised no objections to the procedures followed by the Panel in these proceedings.

The final decision of the Panel is set forth below.

II. The Allegations

It is undisputed that Ms. Rodriguez participated in the Event. Although Ms. Rodriguez contends she was not aware that her participation was prohibited by Rule 10.12.1, there is a record

of pre-Event communications to Ms. Rodriguez and her then-attorney advising her that her participation in the Event would be a potential or actual violation of the Rules. Additionally, Ms. Rodriguez is charged with notice of the Rules. The Panel thus finds that Ms. Rodriguez again acted in violation of the Rules, and that she did so intentionally or in willful disregard of her obligation to know and follow the Rules. Consequently, the Panel finds that that IWWF has sustained its burden of proof in this supplemental proceeding and that a violation of Rule 10.12.1 has been proven.

III. Sanctions

1. Results from the Event.

As a result of this decision, Ms. Rodriguez's results from the Event are disqualified. Rule 10.12.3. IWWF should notify the officials and local organizing committee of this disqualification, so that the scores from the Event may be corrected.

2. Period of Ineligibility.

The next question is whether an additional period of ineligibility should be imposed as a result of this decision.

Under Rule 10.12.3, a new period of ineligibility is to be entered equal in length up to the original period of ineligibility, to be added to the end of the original period of ineligibility. The new period of ineligibility may be adjusted based on the athlete's degree of fault and other circumstances of the case.

In considering this issue, the Panel has carefully considered the record as a whole, including the submissions of the parties. Under the circumstances, the Panel finds and orders that a new (additional) period of ineligibility of one (1) year is appropriate in this case. This new

(additional) period of ineligibility is to be added to the end of the athlete's current period of ineligibility.

IV. Decision and Consequences

Based on these findings, the following consequences are imposed in this case:

1. Ms. Rodriguez is disqualified from the Event, and her individual results obtained in the event are forfeited and disqualified;
2. IWWF should advise the Event officials and organizer of this disqualification, with instructions that the results of the Event shall be recalculated to reflect Ms. Rodriguez' disqualification.
3. Ms. Rodriguez is ineligible to participate in any capacity in a competition, event or other activity (other than authorized anti-doping education or rehabilitation programs) organized, convened or authorized by IWWF, or any of its regional or national federations (or any club or other body that is a member or affiliate of IWWF, or its regional or national federations), or any other signatory to the World Anti-Doping Code, from 14 October 2017 to 13 October 2020 (an additional year). Ms. Rodriguez should also carefully review the Rules before participating in any non-sanctioned (by IWWF) competition or event to determine if any such participation may be a further violation of the Rules.

Article 13 of the Rules gives a right of appeal to Ms. Rodriguez, IWWF and other parties, as set forth in the Rules. Any appeal would be to the Court of Arbitration for Sport (Rule 13.2.1). Any appeal must be filed within twenty one (21) days from the date of issuance of this decision in accordance with the Rules, as well as the procedures of the Court of Arbitration for Sport.

Unless and until this decision is vacated, modified or suspended on appeal, then under Rule 13.1 this decision and the period of ineligibility imposed by this decision will remain in effect.

Issued this 27th day of September 2019.

IWWF Hearing Panel

Jeffrey Smith
Philippa Shedd
Silvia Terracciano

cc: IWWF
Mexican Waterski & Wakeboard Federation
WADA