



## INTERNATIONAL CYCLING UNION

President

USADA  
Mr. William Bock III  
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USA

*Sent by email only*  
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Aigle, 13 July 2012  
Ref: Presidency

### **USADA / L. Garcia del Moral, M. Ferrari and J. Marti**

Dear Mr Bock,

I refer to your email dated July 10, 2012, sent to Mrs Francesca Rossi and where you inform UCI that USADA has imposed a lifetime period of ineligibility against Dr. Luis Garcia del Moral, Dr. Michele Ferrari and Mr. Jose "Pepe" Marti (the Respondents).

UCI understands that this was done on the basis of and in enforcement of the Anti-Doping Rules of the UCI (ADR). In order for the UCI as the governing body concerned to deal with your communication in a meaningful way, for example in view of any recognition or appeal, the UCI needs to be in a position to assess the whole USADA process.

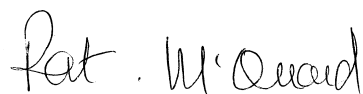
Therefore the UCI asks you to provide the following information:

- 1) Was the decision taken by an internal hearing body of USADA or by USADA as a "prosecutor"? I understand that unless a respondent explicitly accepts the sanction, it would be appropriate that the accusation and the evidence are examined in absentia by a "fair and impartial hearing body" when the respondent waives a hearing.
- 2) The full decision of the hearing body, if any.
- 3) A copy of the answers by the Respondents and/or specification of which of the Respondents did not react.
- 4) For those respondents that did not react, the time that they were notified with your letters of 12 and 28 June 2012.

- 5) A formal confirmation whether or not the respondents were provided with a copy of the file.
- 6) Where USADA states that it applied UCI rules it is not clear on which ground USADA claims jurisdiction over the three Respondents. UCI rules, including article 18 ADR which however entered into force on 1<sup>st</sup> January 2009 only, provide as such no jurisdictional power to UCI to impose disciplinary sanctions on non-license holders in the absence of a contractual or legal basis that binds the person concerned. Articles 18.2 and 18.3 ADR refer to other bodies that may have jurisdiction on such contractual or legal basis. So UCI would like you to indicate on which basis USADA found that it had jurisdiction to impose a sanction on the Respondents.
- 7) The complete case file. If it was not by a hearing body it seems that the sanction was imposed by the very body or person that put together the file and made the accusation. The UCI must be comfortable that the imposition of the sanction, regardless of any other (procedural) issues, may rest on the evidence that was collected, in particular in this case where life bans were imposed. Even if the Respondents concerned may not have answered to USADA, the UCI is entitled to satisfy itself that the case, which USADA claims to have been heard under UCI rules, was handled according to these rules. In addition the UCI is entitled to receive the complete file in view of its right of appeal. The UCI is not stating that it shall appeal the decision of USADA and has no intention to seek to defend, justify or minimize facts that are proven, but it wants to be satisfied that there are no grounds to do so. Another reason is that to our knowledge the case was started with the email of Mr. Floyd Landis to USA Cycling dated 30 April 2010. In that email a UCI license-holder informs a national federation of the UCI that he discovered factual elements that, if proven, constitute the basis for an anti-doping rule violation. Therefore the authority for results management lies with the UCI (article 10, 1<sup>st</sup> par ADR) and not USADA, even when UCI had several national federations – including USA Cycling who delegates to USADA – conduct an investigation. As the anti-doping organization having authority for results management UCI is entitled to receive the file of the case.

I thank you in advance.

Yours sincerely,



Pat McQuaid  
President

Cc: WADA, Mr David Howman, [david.howman@wada-ama.org](mailto:david.howman@wada-ama.org)