

## Appendix M to USADA's Reasoned Decision

### Overview of Evidence in the Operación Puerto Doping Investigation

#### 1. *The general doping scandal*

Operación Puerto was the Spanish investigation into the sophisticated doping program administered to elite level cyclists for several years leading up to 2006, conducted primarily by Spanish doctors Eufemiano Fuentes Rodriguez (“Fuentes”) and Jose Luis Merino Batres (“Merino”). In 2004, in an interview for the Spanish newspaper *Diaro AS*, Jesus Manzano, a former professional road cyclist with the Kelme cycling team, detailed his blood doping and use of performance enhancing drug use in 2003 while riding for the team.<sup>1</sup> This led to questioning of several members of the team in 2004.

Another significant event in launching the investigation was the uproar caused by the EPO positive of Spanish rider Roberto Heras of the Liberty Seguros-Wurth cycling team (“Liberty”) during the second to last stage of the 2005 Tour of Spain.<sup>2</sup> These events ultimately led to the subsequent arrest of Liberty’s team director, Manuel Saiz Balbas (“Saiz”), who had previously been the director of the Spanish ONCE team. Saiz, while in custody for his involvement in the trade of illegal doping substances, stated that Fuentes doped riders on his Liberty team.<sup>3</sup>

As a result of the investigation, Fuentes and Merino were implicated in the trafficking of

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<sup>1</sup> [http://autobus.cyclingnews.com/riders/2004/interviews/?id=jesus\\_manzano04](http://autobus.cyclingnews.com/riders/2004/interviews/?id=jesus_manzano04); *see also* <http://dailypeloton.com/displayarticle.asp?pk=5873>; Valverde CAS decision, *infra*, at ¶14.2.

<sup>2</sup> *See* the June 27, 2006 Official Letter from the Spanish Ministry of the Interior’s Environment and Consumption Civil Guard (“Civil Guard”) to the Magistrate of the Madrid Local Criminal Court (referred to herein as the “Investigation Memorandum”), at 11.

<sup>3</sup> *Id.* at 30.

medicinal drugs and devices<sup>4</sup>, and as a result the police received warrants to tap the phones of Fuentes and Merino and to conduct searches on their homes and others', including Jose Ignacio Labarta Barrera ("Labarta"), former director of the Comunidad Valenciana team, and Alberto Leon Herranz.<sup>5</sup> In one of Fuentes' apartments was a freezer, in which 96 bags of blood and 20 bags of plasma were discovered.<sup>6</sup> Stored in another one of his apartments were 89 blood bags and 19 bags of frozen plasma.<sup>7</sup> This blood and plasma was identified as having been drawn from athletes receiving the doping services of Fuentes and Merino.

Saiz<sup>8</sup>, while in custody on May 24, 2006 after being arrested by the police, stated that in 2004 Roberto Heras, then riding for Liberty, had told him that he wanted to have Fuentes as his personal physician, a request Saiz said he initially refused but eventually acquiesced to due to Heras's persistence.<sup>9</sup> Subsequently, other riders requested that Fuentes become their doctor.<sup>10</sup> Included in these riders were Marcos Serrano and Angel Vicioso who had worked with Fuentes

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<sup>4</sup> Yolanda Fuentes, Fuentes's sister, also was implicated, as supplying drugs to riders at her brother's request. *Id.* at 22. In a call on May 19, 2006 between Yolanda Fuentes and her brother, Yolanda's assistance in the doping of riders, including Botero became even clearer. *Id.* at 23. In that call Yolanda asked Fuentes about the appropriate doses of insulin, and Fuentes tells her that Botero should pay her directly. *Id.* The two also discuss EPO and IGF-1. *Id.* On May 22, 2006, Fuentes and his sister discuss albumin, the plasma expander used in doping to lower the levels of the different positive parameters during doping control. *Id.* at 24. Yolanda indicates that she would make this available at her house and would keep it on the team bus. *Id.* Documents seized during the searches directly linked Yolanda Fuentes with the delivery of drugs and collection of payment for them. *Id.*

<sup>5</sup> *Id.* at 1.

<sup>6</sup> *Id.* at 2.

<sup>7</sup> *Id.*

<sup>8</sup> A May 18, 2006 conversation between Saiz and Fuentes confirmed the relationship between the two. *Id.* at 26-27. In another call on May 20, 2006 Fuentes and Merino discussed a meeting between the two to take place three days later to discuss the money Saiz owed the entire Fuentes group and a supply of drugs to Saiz. *Id.* at 27. Investigators also observed a hand-to-hand transaction of drugs between Fuentes and Saiz in the presence of Merino. *Id.* at 28.

<sup>9</sup> *Id.* at 30.

<sup>10</sup> *Id.*

on the Kelme (Comunidad Valenciana) team before joining Liberty.<sup>11</sup> After coming in second to Heras in the 2004 Tour of Spain, Isidro Nozal went under the care of Fuentes at Saiz's request.<sup>12</sup> Later, Nozal had an issue with high hematocrit prior to the Critérium du Dauphiné Libéré event.<sup>13</sup>

The investigators were able to link synonyms used by Fuentes in schedules for the administration of drugs and blood collections and transfusions to several riders.<sup>14</sup> Many documents contained annotations regarding the delivery of drugs on certain dates, as well as the payment for those drugs.<sup>15</sup>

At the back of a document entitled "2005 Estimates" there are a series of quantities of testosterone patches, growth hormone and IGF-1 and classifications such as "Blue," "Green" and "Mine," apparently identifying the Comunidad Valenciana<sup>16</sup> and Liberty teams, and cyclists who Fuentes treated independently.<sup>17</sup>

## 2. *Overview of Fuentes's doping program*

Also discovered during the searches of Fuentes's apartments were two refrigerators containing pharmaceutical medicines, including Actovegyn, Solcoseryl, the steroids Andriol and Androderm, Eposino EPO, the growth hormones Norditropin Simplexx and Jintropin,

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<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.* at 14.

<sup>15</sup> *Id.*

<sup>16</sup> Vicente Belda, Sport director of Comunidad Valencia (previously called Kelme) was linked to Fuentes through telephone tapping. *Id.* at 20-21. Both Yolanda Fuentes and Belda were also implicated by statements made to the press by Jesus Manzano, who formerly rode for the Kelme team. *Id.* at 21.

<sup>17</sup> *Id.* at 29.

Synacthene, Caffeine, and several brands of insulin.<sup>18</sup> All of these drugs had also been linked to former Comunidad Valenciana (Kelme) rider Jesus Manzano.<sup>19</sup>

Other documentation seized from the searches assisted in the identification of the administration schedules assigned to some of the athletes being doped by Fuentes and the other doctors.<sup>20</sup> The schedules included references to the steroid Oxitosone and red powders which the riders were to rub on their hands before giving a urine sample for doping control purposes.<sup>21</sup> When this red powder substance is mixed with the urine it ruins the chances of detecting a prohibited substance in the urine.<sup>22</sup>

The Fuentes group doping program was clearly explained by calendars seized from the apartments.<sup>23</sup> These calendars revealed where the riders planned to compete during the year and the planning or the administration of the drugs, which generally included anabolic steroids, corticoids, different types of hormones, including EPO, HMG and growth hormone, and for select cyclists, blood transfusions.<sup>24</sup>

Other seized documents indicated clinical tests conducted in Merino's laboratory in which blood parameters of riders were measured.<sup>25</sup> The opinion of the investigating task force assigned to Puerto was that the doping program developed by the Fuentes and Merino group resulted in a full doping service involving the illegal therapeutic distribution of drugs and

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<sup>18</sup> *Id.* at 7.

<sup>19</sup> *Id.*

<sup>20</sup> *Id.* at 8.

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> *Id.* at 9.

<sup>25</sup> *Id.*

methods.<sup>26</sup> The program would entail scheduling the administration of drugs during the overall period of the season, including the training phase and the competition phase that, in the cases of the most elite and wealthiest riders, would be supplemented by the collection and transfusion of blood samples.<sup>27</sup>

3. *Fuentes's program included suspended athletes*

Notable to investigators were the documents implicating riders being doped by the Fuentes group that corresponded with the doping suspensions of those athletes.<sup>28</sup>

a. Liberty team riders with doping suspensions

(i) Roberto Heras

As mentioned above, Roberto Heras's 2005 EPO positive from the Tour of Spain helped initiate the investigations of Fuentes.<sup>29</sup> Heras's EPO positive came while he was riding for the Liberty team, having joined the team at the end of 2003 after leaving the U.S. Postal team for which he rode from 2001 to 2003.

The searches conducted led to the seizure of documents which connected Heras to Fuentes.<sup>30</sup> For instance, seized from Fuentes's apartment was the doping schedule for Heras while riding on the Liberty team in 2005.<sup>31</sup> Heras's schedule demonstrated his use of EPO, growth hormone, IGF-1, and anabolic agents, in a coordinated manner with blood collections and transfusions.<sup>32</sup> Also discovered were handwritten notes indicating the dates upon which he used

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<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

<sup>28</sup> *Id.* at 11-12.

<sup>29</sup> *Id.*

<sup>30</sup> *Id.* at 12.

<sup>31</sup> *Id.*

<sup>32</sup> *Id.* at 31.

EPO, Epocrin, IGF-1, and growth hormone, and blood transfusions.<sup>33</sup> Investigators had concluded that initials sometimes were used to identify riders, and therefore documentation related to blood samples found in Fuentes's stash were linked to Heras.<sup>34</sup> Investigators concluded that Heras's positive EPO test together with the scheduling of drugs and transfusions confirmed the practice of illegal activity by Fuentes regarding Heras.<sup>35</sup>

A document associated with Roberto Heras, on the back of which was a note dated 26/03/02, stated "he gives 5600 (5000 as installment and 600 for 10 x EPO which is handed over to Yoly [referring to Fuentes's sister] there and then)".<sup>36</sup> Also discovered was a delivery note of a parcel sent on September 9, 2005 by Heras to Christine Perez Diaz.<sup>37</sup> At this time, Heras was competing in the 2005 Tour of Spain, where he tested positive.<sup>38</sup> Ms. Diaz was Fuentes's wife, and the address to which the parcel was sent was an address at which Fuentes resided when in Madrid.<sup>39</sup>

(ii) Isidro Nozal

Apparently, in 2005, Isidro Nozal of the Liberty team was disqualified from the Dauphiné Libéré due to a high hematocrit prior to the race.<sup>40</sup> A Liberty team calendar corresponding to Nozal was discovered during the Puerto searches.<sup>41</sup> The calendar contained

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<sup>33</sup> *Id.* at 12.

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

<sup>36</sup> *Id.* at 14.

<sup>37</sup> *Id.* at 29.

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

<sup>40</sup> *Id.* at 12.

<sup>41</sup> *Id.*

handwritten notes outlining Nozal's consumption of drugs and blood transfusions.<sup>42</sup> A schedule for the administration of growth hormone and transfusions Nozal on the day before the health control in which Nozal's high hematocrit was detected was discovered.<sup>43</sup> Based on UCI criteria, Nozal was kept from competing.<sup>44</sup>

Notes regarding collections, transfusions, and IGF-1 and EPO use referenced by using symbols which related to Nozal also were discovered.<sup>45</sup> With those notes were the statements, "I give him" with a series of products following, including IGF-1, growth hormone, and EPO, along with a reference to 10,000 (international units) and associated with the sum of 1,020 Euros.<sup>46</sup>

Seized from the Fuentes group were 2005 cycling calendars of the Liberty team, indicating the competitions in which each rider would participate, on which Nozal's name appeared.<sup>47</sup>

b. Phonak riders with doping suspensions

(i) Tyler Hamilton

Also among those who could afford the more expensive blood transfusion program administered by Fuentes, was Tyler Hamilton of the Phonak cycling team. Hamilton tested positive for a homologous blood transfusion in 2004. Alvaro Pino, the director of the Phonak

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<sup>42</sup> *Id.*

<sup>43</sup> *Id.*

<sup>44</sup> *Id.*

<sup>45</sup> *Id.* at 31.

<sup>46</sup> *Id.*

<sup>47</sup> *Id.* at 30. In addition to the other riders mentioned herein, the following riders also appeared on calendars: Dariuz Baranowsky, Joseba Beloki, Gianpaolo Caruso, David Etxebarria, Igor Gonzalez, De Galdeano, Sergio Paulinho, Nuno Ribeiro, Luis Leon Sanchez, Marcos Serrano and Angel Vicioso.

team, had been associated with Fuentes on the Kelme (Comunidad Valenciana) team between 1996 and 2000.<sup>48</sup> Hamilton's relationship with Fuentes also was confirmed through documentation seized from Fuentes.<sup>49</sup> A handwritten note stating "Haven Hmltn 6801 Sunshine Canyon Boulder 80302 USA" was seized.<sup>50</sup> Another document indicating "FAX TO HAVEN PARCHINSKI" also was discovered.<sup>51</sup> Haven was Hamilton's wife.<sup>52</sup> On the front of that document were references to dollar amounts in U.S. currency and their Euro equivalents, which supposedly alluded to amounts agreed, paid and owed between Fuentes and Hamilton for drugs.<sup>53</sup>

Documents also linked Hamilton to schedules with the identification of drugs on a daily basis and a program of collections and transfusions of blood.<sup>54</sup> He was also linked to a 2003 calendar indicating the administration of drugs between December and July, involving EPO, anabolic agents, HMG-LEPORI, insulin, IGF-1, and indicating blood collections and transfusions, sometimes referred to as "oil changes," between February and July of that year.<sup>55</sup>

Clinical tests indicating blood parameters in 2004 also were seized.<sup>56</sup> Specifically, a document with the notation May 13, 2004 included payments made by Tyler Hamilton for "oil changes, he takes 60,000 pesetas. He gives me 5000 euros (but 800 are for Merino)."<sup>57</sup> The investigators also noticed that Hamilton's blood code disappeared at one point, which coincided

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<sup>48</sup> *Id.* at 9.

<sup>49</sup> *Id.* at 10.

<sup>50</sup> *Id.*

<sup>51</sup> *Id.*

<sup>52</sup> *Id.*

<sup>53</sup> *Id.*

<sup>54</sup> *Id.*

<sup>55</sup> *Id.*

<sup>56</sup> *Id.* at 10-11.

<sup>57</sup> *Id.* at 14.



with Hamilton's doping suspension in 2004.<sup>58</sup> All of this led investigators to conclude that Fuentes was conducting homologous blood transfusions on Hamilton using blood samples from his own group.<sup>59</sup>

(ii) Santiago Perez

Investigators concluded that the case of Santiago Perez was very similar to that of Hamilton.<sup>60</sup> Perez had a 2004 positive for a homologous blood transfusion in Switzerland.<sup>61</sup> In a document outlining blood samples contained in a Fuentes freezer in 2004, Santiago's code was different than it was in 2006, which, like in Hamilton's case, coincided with his two-year doping suspension.<sup>62</sup> A doping schedule between 2003 and 2004 reflected his events, the schedule for the administration of drugs, and the timetable for his blood collections and transfusions, just like was the case for Hamilton.<sup>63</sup> His drug schedule calendar over a six-month period included his scheduled use of anabolic substances, EPO, EPOCRIN, growth hormone, IGF-1, and HMG-LEPORI, and their delivery dates and prices were written at the back of the document along with the dates of blood sample collections and transfusions.<sup>64</sup> The administration of these doping substances to Perez was confirmed by a document seized, on the back of which, the expenses incurred by him are written in relation to EPO, growth hormone, IGF-1, and testosterone.<sup>65</sup>

4. *Fuentes's doping relationship with Tour de France teams*

a. Team T-Mobile

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<sup>58</sup> *Id.* at 11.

<sup>59</sup> *Id.*

<sup>60</sup> *Id.*

<sup>61</sup> *Id.*

<sup>62</sup> *Id.*

<sup>63</sup> *Id.*

<sup>64</sup> *Id.*

<sup>65</sup> *Id.*

(i) Jan Ullrich

It was later determined that Jan Ullrich of team T-Mobile was connected to blood samples labeled “Jan” and that it was he whom was being referenced by that same name on documents linked to the provision of blood/erythrocytes (found in Fuentes’s freezer with dates in the years 2004 and 2005), growth hormone, IGF-1, and testosterone patches, and powders.<sup>66</sup>

At Fuentes’s residence was a document indicating “assistance and participants in the festival held in the month of May,” on which Jan Ullrich’s name was found.<sup>67</sup> Investigators also listened to telephone conversations between Fuentes and a person the investigators believed to be Rudy Pevenage, sport director of T-Mobile, in May, 2006.<sup>68</sup> One of the conversations on May 18, 2006 implicated Ullrich in that Pevenage referenced a time trial that just concluded, and Ullrich had won a time stage of the Giro d’Italia that day.<sup>69</sup> In addition, Ullrich was also among the riders thought to be associated with records of blood transfusions based on the numbers indicated on the bags, which investigators were able to attribute to certain riders.<sup>70</sup> And, based on synonyms investigators believed they had deciphered, documents indicating payments from February to June 2005 to the Fuentes group could be associated with Jan Ullrich.<sup>71</sup>

(ii) Oscar Sevilla

On May 13, 2006, Oscar Sevilla from the T-Mobile team, was seen with Fuentes and

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<sup>66</sup> *Id.* at 15-16; 36 (there was also a reference to 2,970 Euros on a document related to “Jan”).

<sup>67</sup> *Id.* at 36.

<sup>68</sup> *Id.*

<sup>69</sup> *Id.*

<sup>70</sup> *Id.* at 18. In addition to other riders referenced herein, among the riders associated with transfusion records were Jose Ignacio Gutierrez Cataluna, Marcos Serrano, Angel Vicioso, and Constantino Zaballa.

<sup>71</sup> *Id.* In addition to other riders referenced herein, among the riders who made payments to the Fuentes group are Angel Vicioso, Joseba Etxebarria, Marcos Serrano, David Etxebarria, Joseba Beloki, and Jose Ignacio Gutierrez Cataluna.

Labarta going into Fuentes's apartment.<sup>72</sup> Four bags of blood seized corresponded to that date.<sup>73</sup> The bags of blood all contained numbers on them, and blood storage tables seized from the apartments included synonyms which were used to match the codes and numbers to particular riders.<sup>74</sup>

Sevilla, like Ullrich, also was among the riders thought to be associated with records of blood transfusions based on the numbers indicated on the bags, which investigators were able to attribute to certain riders.<sup>75</sup> Also like Ullrich, documents indicating payments from February to June 2005 to the Fuentes group can be associated with Oscar Sevilla, according to synonyms deciphered by investigators.<sup>76</sup> Investigators also matched documents indicating dates associated with athlete references upon which samples of plasma and blood were drawn to the actual plasma and blood seized in Fuentes's apartment.<sup>77</sup> Among the athletes connected to these documents was Oscar Sevilla.<sup>78</sup>

b. Liberty Seguros-Wurth ("Liberty")

As described above, Liberty team members, Roberto Heras and Isidro Nozal, were doping clients of Fuentes's. Several other Liberty team members also were implicated by the Puerto documents.

(i) Jorg Jaksche

A document seized from Fuentes revealed notes describing Jaksche's schedule of EPO,

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<sup>72</sup> *Id.* at 3.

<sup>73</sup> *Id.*

<sup>74</sup> *Id.*

<sup>75</sup> *Id.* at 18, 37.

<sup>76</sup> *Id.* at 18.

<sup>77</sup> *Id.* at 19.

<sup>78</sup> *Id.*

anabolic agents, growth hormone, and IGF-1 use in conjunction with blood collections and transfusions.<sup>79</sup> Also seized were clinical analyses belonging to him.<sup>80</sup>

On May 14, 2006, Jaksche was identified as meeting Fuentes in a Madrid hotel.<sup>81</sup> Three bags of refrigerated blood as well as a frozen bag seized corresponded to that date.<sup>82</sup> The bags of blood all contained numbers on them, and blood storage tables seized from the apartments included synonyms were used to match the codes and numbers to particular riders.<sup>83</sup>

Jaksche was associated with a document, on the back of which reference was made to Merino and was dated April 4, 2004, with the comment “I’m giving 1500 to Merino.”<sup>84</sup> He, like Ullrich and Sevilla, was among the riders thought to be associated with records of blood transfusions based on the numbers indicated on the bags, which investigators were able to attribute to certain riders.<sup>85</sup> Also, like with Ullrich and Sevilla, documents indicating payments from February to June 2005 from clients to the Fuentes group could be associated with Jaksche, according to synonyms deciphered by investigators.<sup>86</sup> Finally, like Nozal, Jaksche’s name appeared on the 2005 cycling calendars of the Liberty team, indicating the competitions in which each rider would participate.

(ii) Michele Scarponi

A tapped phone conversation between Fuentes and Labarta revealed that Michele Scarponi was connected to Fuentes, as his seventh stage of the 2006 Giro d’Italia performances

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<sup>79</sup> *Id.* at 31.

<sup>80</sup> *Id.*

<sup>81</sup> *Id.* at 3.

<sup>82</sup> *Id.*

<sup>83</sup> *Id.*

<sup>84</sup> *Id.* at 14.

<sup>85</sup> *Id.* at 18.

<sup>86</sup> *Id.* at 18.

on May 13, 2006 were being discussed by Fuentes and Labarta during the call.<sup>87</sup> The next day, in another conversation between Fuentes and Labarta, Scarponi was recognized by Fuentes as Fuentes's patient.<sup>88</sup> Notes of Scarponi's growth hormone, HMG-LEPORI, and testosterone patch use in conjunction with blood and transfusions also were discovered.<sup>89</sup>

Like Nozal and Jaksche, Scarponi's name also appeared on the 2005 cycling calendars of the Liberty team seized from the Fuentes group, indicating the competitions in which each rider would participate.<sup>90</sup> And, results associated with Scarponi were recorded along with a series of notes, "Medication rest. To be given; Giro schedule; Tour schedule; explain appointment with Little Hands; albumin and data Zapatero (name associated with Scarponi); explain future function to Jandro; How are the accounts of the delivered medication?"<sup>91</sup> Finally, payment records apparently from Scarponi to Fuentes were identified.<sup>92</sup>

(iii) Allan Davis

Allan Davis's name also was on the 2005 Liberty team calendars seized from the Fuentes group, indicating the competitions in which each rider would participate.<sup>93</sup> Additionally, there were handwritten notes implicating Allan Davis in doping based on his use of EPO, growth hormone, and IGF-1.<sup>94</sup>

(iv) Alberto Contador

Alberto Contador's name was also on the 2005 Liberty team calendars, indicating the

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<sup>87</sup> *Id.* at 4.

<sup>88</sup> *Id.* at 5-6.

<sup>89</sup> *Id.* at 32.

<sup>90</sup> *Id.* at 30.

<sup>91</sup> *Id.* at 33.

<sup>92</sup> *Id.* at 18.

<sup>93</sup> *Id.* at 30.

<sup>94</sup> *Id.* at 31.

competitions in which each rider would participate and other documents.<sup>95</sup>

c. Team CSC

(i) Ivan Basso

A tapped phone conversation between Fuentes and Labarta implicated Ivan Basso of Team CSC as connected to Fuentes, as their seventh stage of the 2006 Giro d'Italia performances on May 13, 2006 were being discussed by Fuentes and Labarta during the call.<sup>96</sup> A similar conversation between the two the next day indicated that Basso was specifically linked by Labarta to Fuentes as Fuentes's client.<sup>97</sup>

In addition to Ullrich, Jaksche, and Sevilla, Basso was also among the riders thought to be associated with records of blood transfusions based on the numbers indicated on the bags, which investigators were able to attribute to certain riders.<sup>98</sup>

d. Phonak

(i) Santiago Botero

As described above, Tyler Hamilton and Santiago Perez of Team Phonak were implicated as major doping clients of Fuentes's. Another Phonak member heavily implicated by the Puerto documents was Santiago Botero Echeverri ("Botero"). On May 4, 2006, police observed Botero with Fuentes and Labarta entering Merino's Clinical Tests Laboratories.<sup>99</sup> The same date appeared on five of the blood bags seized from the home of Fuentes.<sup>100</sup> The bags of blood all

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<sup>95</sup> *Id.* at 30.

<sup>96</sup> *Id.* at 4, 15.

<sup>97</sup> *Id.* at 5-6. Jose Ignacio Gutierrez Cataluna and Unai Osa Eizaguirre of the Liberty team were also linked to Fuentes during this conversation.

<sup>98</sup> *Id.* at 18.

<sup>99</sup> *Id.* at 2.

<sup>100</sup> *Id.* at 2-3.

contained numbers on them, and blood storage tables seized from the apartments included synonyms which were used to match the codes and numbers to the particular riders identified above, thereby linking bags of blood to Botero.<sup>101</sup>

A document associated with Santiago Botero indicated the delivery of EPO on January 3, 2002, and his receipt of EPO, oxitosone, Aranesp, and a product identified as AVR, on January 7, 2002 and January 13, 2002.<sup>102</sup> Another document associated with Botero indicated shipments he was to receive in 2002 and payments to be made to Merino.<sup>103</sup> Another seized document referred to Botero and “to the blue ones” which refers to Botero and the Liberty team that uses a blue jersey, and indicates particular dates and a series of drugs, including Actovegin, albumin, and insulin being used.<sup>104</sup>

In addition to Ullrich, Jaksche, Sevilla, and Basso, Santiago Botera was also among the riders thought to be associated with records of blood transfusions based on the numbers indicated on the bags, which investigators were able to attribute to certain riders.<sup>105</sup> And, Fuentes and Botero, in a tapped call of May 17, 2006, referenced Botero’s doping program, including EPO and blood collections.<sup>106</sup> There also was a document seized from Fuentes’s apartment during the investigation that contained three columns written in Italian with particular dates and the drugs Actovegin, albumin, and insulin, and instructions in Italian regarding Botero and “the blues,” referencing Botera and the Liberty team that wears a blue jersey.<sup>107</sup> Additionally, similar

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<sup>101</sup> *Id.*

<sup>102</sup> *Id.* at 14.

<sup>103</sup> *Id.*

<sup>104</sup> *Id.*

<sup>105</sup> *Id.* at 18.

<sup>106</sup> *Id.* at 21-22.

<sup>107</sup> *Id.* at 28.

documents to those associated with Ullrich, Jaksche, and Sevilla, which indicated payments from February to June 2005 to the Fuentes group can be associated with Santiago Botero.<sup>108</sup>

Investigators also witnessed Botero following Fuentes and Labarta into a clinical analysis laboratory.<sup>109</sup> Fuentes and Botero were also caught having telephone conversations regarding his program leading up to the Tour de France and describing EPO and blood collections.<sup>110</sup> Fuentes and his sister Yalonda also discussed Botero's insulin use.<sup>111</sup> And, documents tied Botero to blood and growth hormone use, along with EPO, HMG-LEPORI, and anabolic agents.

#### 5. *Other notable elite riders associated with Fuentes*<sup>112</sup>

##### a. Francisco Mancebo Perez

Documents seized during the Puerto investigation also implicated Francisco Mancebo Perez ("Mancebo") of Team AG2R Prevoyance.<sup>113</sup> In a file later associated with Mancebo in 2004, 2005, and 2006, was a document labeled "Strain Test Report Mancebo" in which Mancebo was specifically identified.<sup>114</sup> In that same folder, several documents which dealt with yearly schedules for 2005 and 2006 were identified.<sup>115</sup> Investigators were able to link Mancebo to a number in that file which referenced the administration of drugs and blood collections and transfusions.<sup>116</sup>

Investigators also matched documents indicating dates associated with athlete references

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<sup>108</sup> *Id.* at 18.

<sup>109</sup> *Id.* at 33.

<sup>110</sup> *Id.* at 34.

<sup>111</sup> *Id.*

<sup>112</sup> There were many other riders who were clients of Fuentes, and the list of riders identified herein is not exhaustive.

<sup>113</sup> *Id.* at 17-18.

<sup>114</sup> *Id.* at 18.

<sup>115</sup> *Id.*

<sup>116</sup> *Id.*



upon which samples of plasma and blood were drawn to the actual plasma and blood seized in Fuentes's apartment.<sup>117</sup> Among the athletes connected to these documents, which included Sevilla as described above, was Francesco Mancebo.<sup>118</sup>

b. Alejandro Valverde

The Spanish court possessed documents which linked the Italian, Alejandro Valverde, to the blood codes *Valv*, *Piti*, and "18."<sup>119</sup> *WADA & UCI v. Valverde & RFEC, CAS* 2007/A/1396&1402. In 2009, CONI matched DNA samples taken from Valverde during the 2008 Tour de France to blood seized during the Puerto investigation.<sup>120</sup> In May, 2009, Valverde was suspended from competing in Italy for two years, a decision which was upheld by CAS.<sup>121</sup> In another hearing, UCI and WADA contested the Spanish Cycling Federation's decision to not open a case against Valverde, and on May 31, 2010, it was announced that CAS upheld the appeals and that Valverde was banned internationally for two years beginning January 1, 2010 for Use of EPO, which was identified in blood belonging to him that was seized during the investigation.<sup>122</sup>

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<sup>117</sup> *Id.* at 19.

<sup>118</sup> *Id.*

<sup>119</sup> All three references found at p. 3 of the Investigation Memorandum.

<sup>120</sup> *Id.* at ¶11.13.

<sup>121</sup> *Id.* at ¶2.22.

<sup>122</sup> *Id.* at ¶¶17.1, 19.2.