



Decision

by

the **FIBA Secretary General**

in accordance with

Article 13.7.2 of the

FIBA Internal Regulations governing Anti-Doping

in the matter

Lon Matthew Gibson

(born 2 October 1984)

hereafter:

(“the Player”)

(Nationality: U.S.A.)

Whereas, the Player during the 2009/2010 season was competing for the club Lappeenranta NMKY (“LrNMKY”) in the first division of basketball in Finland; in this framework, on 13 January 2010 he underwent an in-competition doping test in Kauhasoki, Finland;

Whereas, the analysis of the Player's sample confirmed the presence of 19-norandrosterone –a metabolite of nandrolone– as well as of 19-norandrostenedione and 19-norandrostenediol which are all prohibited substances under Section S.1 (Anabolic agents) of the 2010 WADA Prohibited List;

Whereas, the Player was provisionally suspended on 4 March 2010;

Whereas, the Player waived the right for an analysis of the B sample and admitted having taken the medication “Deca” for approximately three weeks in June 2009 in order to treat an ankle injury;

Whereas, on 6 April 2010 the Finnish Anti-Doping Agency’s (“FINADA”) supervisory board decided that the Player should be sanctioned with a period of ineligibility of two years, commencing on the date of the Player’s provisional suspension;

Whereas, the Player challenged the decision of FINADA by filing an appeal before the competent Sports Arbitration Board, submitting inter alia that during December 2009 – January 2010 his fiancée was adding powder from crushed Deca tablets in his protein shake mix without the Player being aware of her actions;

Whereas, on 16 July 2010 the Sports Arbitration Board rejected the Player’s appeal against the decision of FINADA;

Whereas, by emails of 11 May 2010 and 9 September 2010 respectively the Finnish Basketball Association provided FIBA with copies of the file concerning the above anti-doping rule violation and confirmed that the Player was declared ineligible for the period 4 March 2010 – 3 March 2012;

Now, therefore, the FIBA Secretary General takes the following:



DECISION

The decision issued by FINADA on 6 April 2010 is adopted by FIBA.

For the purposes of FIBA Competitions, a period of 2 years ineligibility, i.e. from 4 March 2010 to 3 March 2012, is imposed on Mr. Lon Matthew Gibson.

All national member federations shall apply this decision for the purposes of their national competitions and shall take all necessary action to render this decision effective.

Reasons:

1. Article 13.7.2 of the FIBA Internal Regulations governing Anti-Doping (the "FIBA ADR") reads as follows:

"The Secretary General of FIBA may, upon request or ex officio:

a) decide that a decision taken by a national member federation or by organisations outside FIBA and its national member federations (e.g. state bodies, the IOC, national anti-doping organisations or other national or international sports organisations inside or outside the Olympic movement) be adopted for the purposes of FIBA Competitions, if the following requirements are cumulatively met:

- i) the accused Person has been cited properly;*
- ii) he has been given an opportunity to be heard;*
- iii) the decision has been properly communicated;*
- iv) the decision is not in conflict with the regulations of FIBA;*
- v) extending the sanction does not conflict with ordre public.*

In deciding whether the above-mentioned requirements are fulfilled, the Secretary General of FIBA, the FIBA Appeals' Tribunal or the CAS shall not review the merits of the decision in question.



Under exceptional circumstances the Secretary General of FIBA may request the parties involved to state their position only as regards the fulfilment of the abovementioned requirements. No person shall be entitled to challenge the substance of the decision in question.

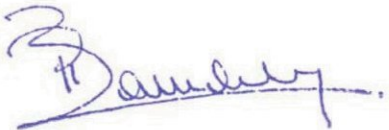
b) submit a case to the Disciplinary Panel mentioned in Article 8.1 above. ”

2. FIBA initially notes that the Player has been given an opportunity to be heard by FINADA by means of written submissions dated 10 and 20 March 2010 and in a video-conference hearing which took place on 23 March 2010. In his written reports and in the hearing, the Player admitted that while playing for the LrNMKY team, he took pills to treat an ankle injury in June 2009. Additionally, during the appeal proceedings before the Sports Arbitration Board, the Player was given an opportunity to present new factual and legal arguments in his appeal, in a rejoinder dated 10 June 2010 and in an additional statement dated 30 June 2010. The Player expressly waived his right to an oral hearing in his rejoinder.
3. Further, FIBA notes that the FINADA decision was properly communicated to the Player. This can be evidenced by the fact that the Player appealed against the FINADA decision and that the Player and his agent, Mr. Ben Pensack (FIBA agent license 2008020510) sent several e-mails to FIBA inquiring about the Player's status following the FINADA decision.
4. Lastly, FIBA finds that the FINADA decision is not in conflict with the FIBA Regulations. The provisions applied by the FINADA, especially with respect to a first anti-doping rule violation (presence of an anabolic steroid in the Player's sample) which generally entails a sanction of two years ineligibility, are in compliance with article 10.2 of the FIBA ADR. Also, the sanction imposed is in line with the jurisprudence of the FIBA Disciplinary Panel in similar cases and takes into account the time served by the Player during his provisional suspension. In addition, the FINADA decision does not conflict with *ordre public* either.

5. In accordance with article 13.7.4 of the FIBA ADR, all national member federations shall apply this decision for the purposes of their national Competitions and shall take all necessary action to render such decision effective. To this end, FIBA shall publish this decision on its website.

6. This decision is subject to an Appeal according to the FIBA Internal Regulations governing Appeals as per the attached "Notice about Appeals Procedure". In accordance with Article 13.7.2 cited above *"In deciding whether the above-mentioned requirements are fulfilled, the Secretary General of FIBA, the FIBA Appeals' Tribunal or the CAS shall not review the merits of the decision in question"*.

Geneva, 24 September 2010



Patrick Baumann
FIBA Secretary General