

IRISH SPORT ANTI-DOPING DISCIPLINARY PANEL

IN THE MATTER OF IS-1521 , ATHLETE

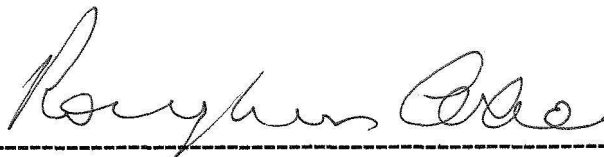
DETERMINATION

1. The Irish Sports Council notified Mr. IS-1521 on the 29th June, 2009, of an alleged first violation by him. of Article 2.1 of the Irish Anti-Doping Rules. Motorsport Ireland, being the national governing body of his sport, were also notified.
2. By letter to the Irish Sport Anti-Doping Disciplinary Panel, dated the 13th July, 2009, the athlete admitted the allegation.
3. The athlete was provisionally suspended by Motorsport Ireland, with effect from the 24th July, 2009.
4. The Panel, comprising the undersigned, as chair, Mr. Philip Browne and Dr. Pat O'Neill, convened on the 27th August, 2009, to hear and determine the consequences of the admitted violation of the Irish Anti-Doping Rules.
5. The Athlete testified at the hearing. He confirmed that he had consumed cannabis in a social context on different occasions in advance of, but unconnected with, his sporting activities. He expressed his unequivocal regret and remorse for his violation of the Irish Anti-Doping Rules and submitted that his consumption of the prohibited drug was not intended to enhance his sport performance or to mask the use of a performance-enhancing substance. He expressed his willingness to be subjected to such random drug testing as was required in the future and expressed the extent to which his ineligibility to participate in his chosen sport had caused to date and would cause in the event that his ineligibility were to continue. He also set out certain personal factors that, in his view, contributed to his failure to appreciate the gravity of consuming cannabis vis-a-vis his involvement in motorsport.
6. The athlete submitted that there was no evidence that the consumption of cannabis is performance-enhancing and asked the Panel to consider a report entitled 'THE INFLUENCE OF CANNABIS ON DRIVING', which was prepared for the Road Safety Division of the Department of the Environment, Transport and the Regions in the United Kingdom¹.
7. Motorsport Ireland confirmed that they had, in granting a competition license to the athlete, expressly notified him of the anti-doping rules and submitted documentation that they had supplied to the athlete in this context.
8. Motorsport Ireland expressed their acceptance that cannabis is not performance-enhancing in the context of motorsport.

9. Having heard and considered the testimony and submissions made by the athlete and on his behalf and having considered the evidence submitted in corroboration of the athlete's submissions, the Panel;
- a. noted that the athlete had admitted at an early date that he had, by consuming cannabis, violated the Irish Anti-Doping Rules;
 - b. accepted that the use of cannabis by the athlete was not intended to enhance his sport performance, nor was it intended to mask the use of a performance-enhancing substance;
 - c. accepted that the athlete's expression of regret and remorse was genuine;
 - d. accepted that special circumstances, within the meaning of Article 10.3 of the Irish Anti-Doping Rules, had been established and corroborated to the comfortable satisfaction of the Panel;
 - e. noted that the athlete had offered to submit to future random drug testing; and
 - f. noted the consequences for the athlete of a continued period of ineligibility on his participation in motorsport;

10. The Panel determines that, having regard to and for the reasons set out above, the Athlete be formally reprimanded and that his period of ineligibility should not extend beyond the date of this hearing. The Panel also invites Motorsport Ireland to conduct such random drug-testing on the athlete as they think fit.

Dated the *3rd* day of *October*, 2009.



Signed on behalf of the Panel by Judge Rory MacCabe, S.C., Chairman.

¹ TRL Report 477 BF Sexton , R J Tunbridge, N Brook-Carter (TRL Limited), PG Jackson (DETR), K Wright (University of Birmingham), M M Stark (St George's Hospital Medical School) and K Englehart (Principal Police Surgeon)