

DECISION OF THE JAMAICA ANTI-DOPING DISCIPLINARY PANEL INTO THE ADVERSE ANALYTICAL FINDINGS WITH RESPECT TO AN A SAMPLE TAKEN ON THE 04TH DAY OF JULY 2009 FROM TROY GAUNTLETT AND JAESON MAGNUS HEARD ON WEDNESDAY THE 16TH DAY OF SEPTEMBER 2009 AT THE INSTITUTE OF JAMAICA

(A) Essential Facts of the Case JADCO v Troy Gauntlett & Jaeson Magnus

1. We have been asked to determine whether any violations of the Jamaica Anti-Doping Rules have occurred with respect to the positive findings of prohibited substances in the A samples taken on the 04th day of July 2009 namely 4-methyl-2-hexanamine in the case of Troy Gauntlett and Cannabis metabolite in the case of Jaeson Magnus at the Mr./Miss/Novice/Teen Bodybuilding and Fitness Competition.

2. Dr. Christiane Ayotte from the Laboratoire de controle du dopage, an accredited laboratory of the World Anti-Doping Agency (WADA) in Montreal, Canada conducted tests on the A samples for Mr. Troy Gauntlett and Mr. Jaeson Magnus and adverse analytical findings, namely 4-methyl-2-hexanamine in the case of Troy Gauntlett and Cannabis metabolite in the case of Jaeson Magnus, were found in the A samples for the said athletes.

3. JADCO refused to participate in the disciplinary hearings as their counsel, Curtis Cochrane, was of the view that, with respect to anti-doping rule 8.4.2, there was insufficient notice to the public of the disciplinary hearings of the matters. JADCO's counsel therefore sought an adjournment on the hearing.

4. The Jamaica Anti-Doping disciplinary Panel heard JADCO's counsel's reasons for the adjournment but did not grant it. This was primarily because anti-doping rule 8.4.2 reads "The hearing shall be open to the public" and the disciplinary hearings were open to the public. The athletes were also asked if they wished to have an adjournment in light of JADCO's counsel's request and reasons for an adjournment but neither athlete wanted an adjournment.

5. JADCO's counsel, JADCO's Chief Executive Officer, Dr. Patrece Charles-Freeman and Mrs. Alveta Knight, Counsel in the Ministry of Youth, Sports and Culture all left the

lecture hall at the Institute of Jamaica where the disciplinary hearings were scheduled to be heard and before the actual disciplinary hearings got underway.

6. Pursuant to anti-doping rule 8.2.1 “The Jamaica Anti-Doping Disciplinary Panel has the power to hear and determine all issues arising from any matter which is referred to it pursuant to these Anti-Doping Rules.” and anti-doping rule 8.2.3 “The Jamaica Anti-Doping Disciplinary Panel has all powers necessary for, and incidental to, the exercise of its functions” the disciplinary hearings with respect to the adverse analytical findings for the two athletes were subsequently held.

7. The athletes had no legal representation at the hearing and were informed that they had the right to legal representation. They understood they had the right to legal representation but chose not to have legal representation in their disciplinary hearings.

(B) Essential Issues for Determination

8. Whether the substance 4-methyl-2-hexanamine and Cannabis metabolite found in the athletes’ A samples, Troy Gauntlett and Jaeson Magnus respectively, taken on the 04th day of July 2009 at the Mr./Miss/Novice/Teen Bodybuilding and Fitness Competition constituted anti-doping violations in contravention of Article 2 of the Jamaica Anti-Doping Commission Rules.

(C) Essential Findings of the JAD Panel

9. (1) Troy Gauntlett admitted to taking Animal Pak, a multi-vitamin, that contained the prohibited substance 4-methyl-2-hexanimine shortly before the Mr./Miss/Novice/Teen Bodybuilding and Fitness Competition but said he did not know it was a prohibited substance. This product was stated on his Doping Control Form.

(2) Jaeson Magnus admitted to smoking marijuana shortly before the Mr./Miss/Novice/Teen Bodybuilding and Fitness Competition but in his words “*I am not a*

habitual marijuana smoker...I took 2 pulls, called it a night and didn't know it would show up" in his A sample.

10. The Jamaica Anti-Doping Appeals Tribunal found on the 14th day of September 2009, with respect to an appeal brought by JADCO into the findings of the Jamaica Anti-Doping Disciplinary Panel of the A samples taken from the athletes Yohan Blake, Marvin Anderson, Allodin Fothergill and Lansford Spence at the National Senior Championships on the 26th and 28th days of June 2009, namely 4-methyl-2-hexanamine, that WADA considers to have a similar chemical structure or similar biological effect to tuaminoheptane, which is on the prohibited list, and applying the principle of strict liability, the Respondents had committed an anti-doping violation.

11. The Jamaica Anti-Doping Appeals Tribunal is a higher body than the Jamaica Anti-Doping Disciplinary Panel and therefore has to adopt their conclusion with respect to their finding on the substance, 4-methyl-2-hexanamine.

12. The Jamaica Anti-Doping Disciplinary Panel found that there were no credible explanations from the athletes that would excuse their fault or negligence with respect to their violating the anti-doping rule 2.1.1.


13. The results of the two athletes at the Mr./Miss/Novice/Teen Bodybuilding and Fitness Competition are disqualified and any prizes, points and or medals must be forfeited forthwith.

14. Both athletes are reprimanded but with respect to Troy Gauntlett he is given three months ineligibility from future events as of the 16th day of September 2009.

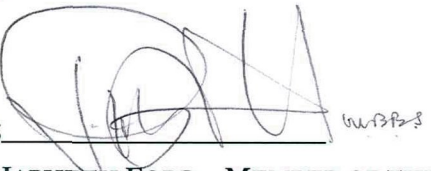
16TH SEPTEMBER 2009

PER; _____


KENT P. GAMMON – CHAIRMAN OF THE JAD DISCIPLINARY PANEL

PER: 

MS. JULIET CUTHBERT – MEMBER OF THE JAD DISCIPLINARY PANEL

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