

**SA INSTITUTE FOR DRUG-FREE SPORT (SAIDS)
ANTI DOPING DISCIPLINARY HEARING**

ATHLETE: MR ADRIENE (ADRIAN) COLE (in absentia)

SPORTS FEDERATION: SOUTH AFRICA NATURAL BODYBUILDING ORGANISATION (“SANABO”)

DATE: THURSDAY 10 DECEMBER 2015

PLACE OF HEARING: SAIDS OFFICES, SSISA BUILDING, CLAREMONT, CAPE TOWN, SOUTH AFRICA

TRIBUNAL MEMBERS : RGL STELZNER SC (CHAIRPERSON)

DR GEORGE RUIJSCH VAN DUGTEREN (MEDICAL REPRESENTATIVE)

MR HASNODIEN ISMAIL (SPORTS ADMINISTRATOR)

PRO FORMA PROSECUTOR: ADV NIC KOCK

OBSERVER: DR KAREN VAN HELDEN

DETERMINATION OF TRIBUNAL

Introduction

1 Mr Adriene Cole,¹ hereafter “the athlete”, is a 26 year old American citizen residing in South Africa. He participated in the South African Ironman Classic

¹ Spelt “Adrian” in the AAF report and charge sheet, but correctly spelt “Adriene” according to the pro forma prosecutor Adv Nic Kock who has been in contact with the athlete and confirmed the spelling used herein to be the same as that in the athlete’s passport

Bodybuilding Championships on 8 August 2015. He provided a urine sample as part of the in competition testing.

- 2 The athlete's sample was tested by the Deutsche Sporthochschule Köln Institut für Biochemie Laboratory in Cologne, Germany, an accredited WADA laboratory. The report confirmed the presence of 3'-hydroxystanozolol, a metabolite of the prohibited Anabolic Agent Stanozolol, and 2 α -methyl-5 α -androstan-3 α -ol-17-one, a metabolite of the prohibited Anabolic Agent Drostanolone.
- 3 The adverse analytical finding (AAF) dated 13 October 2015 could only be served on the athlete at his home on 14 November 2015 after previously unsuccessful attempts at service.
- 4 The athlete did not ask to have his B sample tested.
- 5 The athlete was thereafter charged with an anti-doping rule violation in terms of article 2.1 of the 2015 Anti-Doping Rules of the South African Institute for Drug-Free Sport (SAIDS). The charges are dated 24 November 2015. After a telephonic approach to the athlete by Adv Kock the athlete entered into discussions with Adv Kock in respect of the further conduct of the matter.
- 6 Article 7.10 of the SAIDS Anti-Doping Rules ("the Rules") provides for the resolution of the matter without a hearing.

7 In terms of article 7.10.2, if the athlete against whom an anti-doping rule violation is asserted, fails to dispute that assertion within the deadline specified (which in this case was Wednesday, 21 October 2015) in the notice sent to him by SAIDS, in which the violation was asserted, then he is deemed to have admitted the violation, to have waived the right to a hearing and to have accepted the consequences that are mandated by the Rules or where some discretion as to consequences exists, the sanction under the Rules that may have been offered by SAIDS.

8 A hearing was convened for Thursday, 10 December 2015, at 17h00 at the SAIDS offices in Newlands, Cape Town. The hearing commenced at 18h10 in the absence of the athlete.

9 The discussions referred to above culminated in a written admission from the athlete referred to hereafter which was provided by the athlete only after the scheduled time for the commencement of the hearing.

10 In terms of the statement the athlete waived his rights to a hearing, admitted the charges and requested leniency in respect of the sanction in terms of Article 10.10.2 on the grounds of a “timely” / “prompt” admission.

11 It is not entirely clear when the notice of the hearing was served on the athlete but given the aforementioned communications the athlete was clearly aware of the hearing. The hearing accordingly proceeded in his absence.

Finding

- 12 Given the admission made by the athlete in his statement, the documentary evidence supplied to the tribunal and the further evidence in the affidavit of Adv Kock, together with his written submissions, the tribunal found the charges to have been properly proven.
- 13 The commission of the anti-doping rule violation with which the athlete was charged is accordingly confirmed.

Sanction

- 14 Article 2.1 of the Rules, dealing with the presence of a prohibited substance or its metabolites or markers in an athlete's sample, provides that the consequence for this anti-doping rule violation (as a first violation, which the tribunal accepts this transgression to be) is 4 years' ineligibility from participating in all codes of sport.
- 15 The admission contained in the statement referred to above is accepted to have been a "prompt" one, as reflected in the Rule, namely before the athlete competes again.
- 16 Given the athlete's co-operation shortly after having been contacted by Adv Kock and his written admission of guilt (the delay in this regard it is understood was because of certain logistical and privacy issues on the part of

the athlete) the tribunal accepts the admission to have been sufficiently prompt after being confronted by the charge in order to permit that the period of ineligibility should run from the date on which the sample was taken.

17 The anti-doping violation occurred during the Ironman Classic Bodybuilding Championships on 8 August 2015 on which date the sample was also taken.

18 The rule violation is therefore related to an in competition test.

19 In terms of article 9 of the Rules, an anti-doping rule violation in individual sports in connection with an in competition test automatically leads to disqualification of the result obtained in that competition, with all resulting consequences, including forfeiture of any medals, points and prizes.

20 The sanction on the finding of guilty of the committee is accordingly as follows :

20.1 The athlete is ineligible to participate in any organised sport, at club or higher level, for a period of 4 years ;

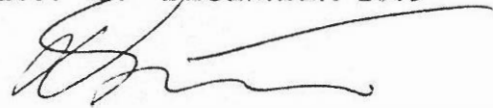
20.2 The period of 4 years will be effective as of 8 August 2015, being the date of the taking of the athlete's sample, terminating on 7 August 2019;

20.3 The athlete forfeits any medals, points and / or prizes he may have obtained in his performance in the Ironman Classic Bodybuilding Championships on 8 August 2015 (if any);

20.4 There is no order as to costs.

- 21 Given the fact that the athlete is an American citizen the tribunal recommends that this finding also be brought to the attention of the national anti-doping organization in the U.S.A (USADA).

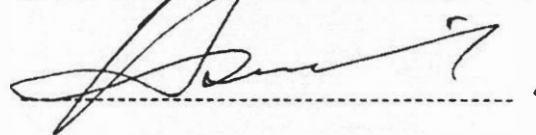
DATED AT CAPE TOWN THIS 11TH DAY OF DECEMBER 2015



R G L STELZNER SC



DR G RUIJSCH VAN DUGTEREN



MR HASNODIEN ISMAIL