

24<sup>th</sup> May 2019

Mr. Marcel Teniers

[...]

[...]

[...]

Dear Mr. Teniers

## **ANTI-DOPING RULE VIOLATION: CONSEQUENCES: WRITTEN DECISION**

### **Introduction**

1. Our previous letter and notice dated 10<sup>th</sup> May 2019 refers. The South African Institute for Drug Free Sport (SAIDS) and all participants in sport are required to act in accordance with the South African Institute for Drug Free Sport Anti-Doping Rules 2016 (“the Rules”).
2. You have been notified of an Anti-Doping Rule Violation in terms of Article 2.1 of the Rules for the presence of Clenbuterol A sample (sample number 4246035) collected on the 13<sup>th</sup> April 2019.
3. You did not request to have your B sample analysed. Furthermore, we received correspondence from you dated 20<sup>th</sup> May 2019 where you do not dispute the adverse analytical finding, acknowledged the presence and use of Clenbuterol accepting the consequences of your actions.

**BOARD MEMBERS: JUDGE L. MPATI (CHAIRPERSON), MR. G. ABRAHAMS, DR. H. ADAMS, MR. D. BAYEVER,  
DR. S. MANJRA, DR. M. PEENZE, DR. M. QOBOSE, MR. M. QUINN, PROF. L. SKAAL, DR. P. ZONDI, MR. K. GALANT (CEO)**



4. SAIDS is required, in circumstances where there is no dispute<sup>1</sup>:-
  - a. To issue a written decision confirming the commission of the Anti-Doping Rule Violation and the Consequences imposed.
  - b. To set out the reasons for the period of Ineligibility imposed and (if applicable) a justification as to why the maximum period of Ineligibility was not imposed.
  - c. To send copies of the decision to other Organisations, viz. Mixed Martial Arts South African PRO (MMASAPRO) Extreme Fighting championship (EFC) and the World Anti-Doping Agency (WADA) with a right of appeal and to make Public Disclosure.
  
5. SAIDS has assessed the facts of your case, has arrived at a decision, and this letter sets out that decision and the reasons it has been arrived at.

### **The Anti-Doping Rule Violation**

6. You have committed and are guilty of the Anti-Doping Rule Violation referred to above. In other words of the Anti-Doping Rule Violation set out in point 2.

### **Consequences**

7. The Consequences that the Rules contemplate distinguish between Prohibited Substances that are Specified Substances and those that are not. The Consequences for the use of Prohibited Substances that are not Specified will in most instances include a four (4) year period of ineligibility. Where a substance is Specified the athlete can also be ineligible for such a period if SAIDS demonstrates that the Anti-Doping Rule Violation was intentional.
  
8. Where SAIDS does not demonstrate intentional use then the period of ineligibility the Rules provide for is two (2) years. The period of two (2) years can be reduced in certain specified circumstances which require you to show that you bore no significant fault or negligence here.

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<sup>1</sup> Article Rule 7.10.3 of the Rules

9. SAIDS considers that in these circumstances the appropriate Consequences should be a period of *Ineligibility* of three (3) years nine (9) months. You were provisionally suspended, therefore your suspension shall commence from date of notification to SAIDS i.e. 10 May 2019
10. The reasons for the imposition of these Consequences are that: -
- The substances in question Clenbuterol is not a Specified Substance;
  - SAIDS is not required, in the circumstances, to prove anything more than presence and no factors have been advanced by you that would suggest there is a basis for further reducing the period of ineligibility and doing so would be unfairly discriminatory towards other athletes;
  - There is no basis for SAIDS to conclude that you were not negligent in these circumstances.

### **Sanction Period**

11. The period of ineligibility will be applicable as of 10<sup>th</sup> May 2019 until and including 9<sup>th</sup> February 2023.

### **Your Right to a Hearing**

12. Although you have waived your right to a hearing you have made an early admission and have made representations and sought assistance and guidance and consequently you are invited to consider these Consequences and decide whether you wish to be afforded a hearing to focus only on the question of the Consequences.

13. Should you elect to have a hearing on this aspect you should notify SAIDS and email me ([wafeekah@suids.org.za](mailto:wafeekah@suids.org.za)) by no later than **13h00 on Friday, 31<sup>st</sup> May 2019** that you wish to have a hearing.

14. Should you elect to have a hearing one will be convened, and you should indicate which of the following Cities I.e. Cape Town, Bloemfontein, Port Elizabeth, East London, Durban, Johannesburg you wish your hearing to be heard in.

15. Should you **not** elect to have a hearing the Consequences will be as set out above.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Wafeekah Begg', written in a cursive style.

**Wafeekah Begg**  
**(Legal Manager)**