

30th May 2019

Luciando Newman Santos

[...]

[...]

[...]

Dear Mr. Santos

CHARGES: ANTI-DOPING RULE VIOLATION: CONSEQUENCES: WRITTEN DECISION

Introduction

1. Our previous letters and notices dated 9th 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 and World Rugby Anti-Doping Regulations (“the Rules”).
2. You have been notified of an Anti-Doping Rule Violation in terms of Article 21.2 of the Rules for the use of 4-methylhexan-2-amine; 2 α -methyl-5 α -androstan-3 α -ol-17-one, a metabolite of Drostanolone; 1-Androstenedione; Boldenone and its metabolites, 5 β -androst-1-17 β -ol-3-one and 5 β -androst-1-en-3 α -ol-17-one, 1 α -methyl-5 α -androstan-3 α -ol-17-one; Boldione and its metabolites; (19-norandrosterone and its metabolites; 19-noreticholanolone and its metabolites and-3-hydroxy-4-metoxo-tamoxifen in respect of a sample (sample number 4416119) collected on the 30th March 2019.
3. You were afforded 7 days from the email sent to you on the 9th of May 2019 to dispute the adverse analytical finding but you have failed to communicate to SAIDS. We received confirmation from your rugby club College Rovers that you were informed and received our notice from SAIDS but that you have retired from rugby.

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. You are consequently deemed to have waived the right to a hearing, and to have accepted the Consequences that are mandated by the Rules.¹
5. SAIDS is required, in circumstances where there is no dispute²:
 - 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 Anti-Doping Organizations, viz. South African Rugby Union (SARU), World Rugby and the World Anti-Doping Agency (WADA) with a right of appeal and to make Public Disclosure.
6. 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

7. 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

8. 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 player can also be ineligible for such a period if SAIDS demonstrates that the Anti-Doping Rule Violation was intentional.
9. 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.

¹ Article 7.10.2 of the Rules

² Article Rule 7.10.3 of the Rules

10.SAIDS considers that in these circumstances the appropriate Consequences should be a period of *Ineligibility* of four (4) years. You were provisionally suspended effective as of the 9th May 2019.

11.The reasons for the imposition of these Consequences are that: -

- a. the substances in question is 4-methylhexan-2-amine; 2 α -methyl-5 α -androstan-3 α -ol-17-one, a metabolite of Drostanolone; 1-Androstenedione; Boldenone and its metabolites, 5 β -androst-1-17 β -ol-3-one and 5 β -androst-1-en-3 α -ol-17-one, 1 α -methyl-5 α -androstan-3 α -ol-17-one; Boldione and its metabolites; (19-norandrosterone and its metabolites; 19-noreticholanolone and its metabolites and-3-hydroxy-4-methoxy-tamoxifen which is a Prohibited and Not a Specified Substance;
- b. 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 reducing the period of ineligibility and doing so would be unfairly discriminatory towards other athletes;
- c. there is no basis for SAIDS to conclude that you were not negligent in these circumstances without the matter being placed before an Independent Tribunal.

Sanction Period

12.The period of ineligibility will be applicable as of 9th May 2019 until and including 8th May 2023.

Right to Appeal

13. You have a right to appeal this matter as per the below mentioned and the process is as follows:

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- a) must give notice of your appeal in writing to SAIDS to the SAIDS Legal Manager, Wafeekah Begg at e-mail address wafeekah@said.org.za within **21 (twenty-one) days i.e. that is 21 calendar days as of the deadline date 20 June 2019 therefore should you want to appeal, your Notice of Appeal is due by the 17:00 on the 19th June 2019;**
- b) Your notice must incorporate or be accompanied by your grounds of appeal and must include an address (email, fax number, and/or street address) for SAIDS to provide you with an invoice in respect of appeals **(the appeal fee is R1000.00);**
- c) Upon receipt of the notice and grounds SAIDS will provide you an invoice in respect of the appeal and the appeal fee must be paid and proof of payment provided to SAIDS within **seven (7) days** of the date of the invoice;
- d) The failure to comply with these procedural rules will mean the appeal will not proceed.

14. Should you elect to have an appeal one will be convened and you should indicate which of the following Cities i.e. Cape Town, Durban or Johannesburg you wish your appeal to be heard in.

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

Yours faithfully



Wafeekah Begg
(Legal Manager)