

13th December 2019

Athlete: Gordon Lesetedi
Sport Code Athletics

Address [...]
[...]
[...]
[...]

Dear Mr. Lesetedi,

CHARGES AND CONSEQUENCES: ANTI-DOPING RULE VIOLATION

Introduction

1. 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.
2. You have been notified of an Anti-Doping Rule Violation in terms of Article 2.1 of the Rules for the presence of Prednisone in your "A" sample (sample number 4342239).
3. SAIDS is required, in circumstances where there is no dispute as to the adverse analytical finding¹:-
 - a. To issue a written decision confirming the commission of the Anti-Doping Rule Violation and the Consequences that will be imposed should you not elect a hearing.

¹ Article Rule 7.10.3 of the Rules

- 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 Anti-Doping Organisations, viz. Athletics South Africa (ASA), International Association of Athletics Federation (IAAF) and the World Anti-Doping Agency (WADA) with a right of appeal and to make Public Disclosure.
4. 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

5. 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

6. 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.
7. Where SAIDS does not demonstrate intentional use then the period of ineligibility under the Rules provided 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.
8. In amplification of Paragraph 7 above, you have demonstrated to SAIDS based on the facts of your case that you bore fault and negligence in this particular instance, based on the following:
- 8.1 You demonstrated with the support of a report from your doctor that you have a medical skin condition namely, Atopic Dermatitis. You sort assistance from

the doctor for treatment the day before the race, that being 30th August 2019. Your doctor had prescribed Phenergan 10mg and Prednisone 5mg to be taken as 50 mg on a day 1, then 50mg on day 3 and then 30 mg on day 3, 20 mg day 4 and then 10 mg on day 5.

8.2 You did not disclose your medication on your doping control form. You merely wrote allergies.

8.3 Through your lawyer you also provided us with pictures of your medication.

8.4 You confirmed that you are a professional/elite athlete.

8.5 You did not apply for a TUE in advance and do not qualify for a retroactive TUE.

8.6 Even though you did inform your doctor that you are a professional athlete, you failed to take responsibility to check whether the prescribed medication contained any prohibited substances.

8.7 Accordingly, you have promptly admitted the ADRV, pleaded guilty, explained how and why you took the prohibited substance.

8.8 You have demonstrated how the prohibited substance was administered.

8.9 The medication administered was not used for performance enhancing purposes.

8.10 You have shown remorse and requested leniency from the maximum sanction that could be imposed.

8.11 You have accepted the sanction SAIDS has offered to impose.

9. Furthermore, and based on articles 10.2.3² and 10.5.1.1³ of the SAIDS Anti-Doping Rules, you are eligible for a further reduction from 2 years based on the factors you have provided above.

10. In these circumstances the appropriate Consequences without any reduction is a period of *Ineligibility* for two (2) Years. Taking into consideration your case and the facts before SAIDS, you are eligible for a reduction and your total period of ineligibility is **18 months**.

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

- a. The substances in question Prednisone and its Metabolite 20 β -hydroxy-prednisone in your "A" sample are Prohibited Specified Substance.
- b. Given the factors and circumstances applicable to your case and information you provided, your 18 month period of ineligibility is pursuant to requirements met in terms of article 10.2.2 and 10.5.2 of the SAIDS Rules.

Sanction Period

12. The period of ineligibility will be applicable as of 1st September 2019 until and including 28th February 2021.

13. Please acknowledge receipt of this letter.

Yours sincerely

² As used in Articles 10.2 and 10.3, the term "intentional" is meant to identify those *Athletes* who cheat. The term, therefore, requires that the *Athlete* or other *Person* engaged in conduct which he or she knew constituted an anti-doping rule violation or knew that there was a significant risk that the conduct might constitute or result in an anti-doping rule violation and manifestly disregarded that risk...

³ 10.5.1.1 *Specified Substances*: Where the anti-doping rule violation involves a *Specified Substance*, and the *Athlete* or other *Person* can establish *No Significant Fault or Negligence*, then the period of *Ineligibility* shall be, at a minimum, a reprimand and no period of *Ineligibility*, and at a maximum, two (2) years of *Ineligibility*, depending on the *Athlete's* or other *Person's* degree of *Fault*.

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