

**In the matter between :**

**South African Institute for Drug-Free Sport (SAIDS)**

**Complainant**

**and**

**Mamorallo Tjoka**

**Respondent**

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## **DETERMINATION**

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### **1. CHARGES :**

The Respondent was charged on 12 June 2019 with :

- 1.1 An Anti-Doping Rule violation in terms of Article 2.3 of the 2015 SAIDS Anti-Doping Rules ("the Rules"), by evading, refusing or failing to submit to sample collection after receiving notification as authorised in the said Anti-Doping Rules, or other anti-doping rules, and;
- 1.2 In terms of Article 2.5 of the Rules, tampering or attempted tampering with any part of Drug Control by means of subverting the Doping Control process, (but which would not otherwise be included in the definition of Prohibited Methods), but includes without limitation, intentionally interfering or attempting to interfere with a Doping Control official, providing fraudulent information to an Anti-Doping organisation or intimidating or attempting to intimidate a potential witness, constitutes a further violation of the Rules.

### **2. JURISDICTION :**

- 2.1 In terms of Section 10(1)(e) of the South African Institute for Drug-Free Sport Act No. 14 of 1997, National Sports Federations must adopt and implement Anti-Doping Policies and Rules which conform with the World Anti-Doping Code ("the Code") and with the requirements as set out in the SAIDS Anti-Doping Rules which are applicable also to a Regional Anti-Doping Organisation ("RADO"), such as Lesotho.
- 2.2 The Code is the core document produced by the World Anti-Doping Agency ("WADA") and provides the framework for the harmonization of Anti-Doping Policies, Rules and Regulations, across all sports and within all countries around the world.
- 2.3 The South African Government has made a formal commitment to the Code and formally recognizes the role of WADA through the Copenhagen Declaration of Anti-Doping in Sport (2003).
- 2.4 SAIDS is the statutory body established by the South African Government with the responsibility to promote and support the elimination of doping in sport in South Africa.
- 2.5 SAIDS has formally accepted the WADA Code and has adopted and implemented its Anti-Doping Rules in accordance with its responsibilities under the Code, as applicable to RADO.
- 2.6 Athletics South Africa ("ASA") has adopted the Code, following an International Review of the Code by all signatories, with the new WADA Anti-Doping Code 2015, as revised, having been agreed to with an effective implementation date of 1 January 2015. These Rules under the Code were adopted and implemented in conformity with the Constitution, Rules and Regulations of ASA which, in turn, has adopted the Rules.

2.7 The Anti-Doping Rules so adopted by SAIDS and ASA are sports rules governing the conditions under which the sport of athletics is played, with all ASA athletes, including the Respondent, having accepted these Rules as a condition of participation and are bound by them.

2.8 The Respondent, an elite athlete, born 25 October 1984, is a Lesotho national, living and competing in South Africa under the ASA Constitution, Athletics Rules and Regulations, and she is accordingly bound by the provisions of the Code, as adopted by ASA.

2.9 The SAIDS Anti-Doping Rules apply to SAIDS, each National Sporting Federation of South Africa and accordingly, to each participant in the activities of Athletics South Africa by virtue of their membership, licensing, accreditation or participation in the sport of athletics in South Africa, or ASA's activities and events. The Complainant in this matter has jurisdiction over registered South African athletes licensed by ASA and its members, including the Respondent, who is a registered and licensed ASA athlete, and is therefore subject to the SAIDS Anti-Doping Rules and the ASA Anti-Doping Rules and its Constitution.

### **3. DISCIPLINARY COMMITTEE :**

3.1 A Disciplinary Committee was convened by the Complainant in order to determine whether, in the case of a Doping Rule violation, pursuant to the Rules (as embodied in the charges aforementioned), was committed by the Respondent.

3.2 The Committee consisted of :

Monty Hacker, Chairperson and an admitted attorney of some fifty-eight years standing;

Dr Andy Branfield, a medical practitioner and sports physician of many years standing;

Yusuf (Joe) Carrim, a long-standing sports administrator.

Present also were Ms Wafeekah Begg assisted by Lyrique du Plessis, prosecuting on behalf of SAIDS;

By invitation, Advocate Thapelo Maketela, the legal adviser to the Lesotho Ministry of Sports, and;

By invitation, Advocate Craig Cothill (observer).

There was no appearance by the Respondent athlete or her legal adviser. Ms Begg, appearing on behalf of the Complainant, informed the Panel that she had, as recently as the previous day, received an e-mail from the Respondent in which she was informed that :

- The Respondent, on the advice of her legal counsel, had been advised not to attend the Hearing, and;
- The Respondent was filing an interim Order in the High Court of Lesotho to stay these proceedings.

Present also was Ms Wafeekah Begg, assisted by Lyrique du Plessis, prosecuting on behalf of SAIDS, and;

By invitation, also present, was Advocate Thapelo Maketela, the legal adviser to the Lesotho Ministry of Sports.

#### **4. HEARING ON 3 JULY 2019 :**

The Hearing before the Panel was convened to be held at the Holiday Inn Express, The Zone, Oxford Road, Rosebank, Johannesburg, Gauteng at 15h30 on Wednesday 3 July 2019. This Hearing in fact commenced at

approximately 15h45 that day and continued until 19h30 that evening, at which time it was adjourned for the purpose of enabling Ms Begg to obtain and distribute amongst the Panel, the transcript of the Hearing until its adjournment. Only after this transcript will have been circularised is Ms Begg required to reconvene the Hearing for the purpose of her addressing her closing arguments to the Panel and for the Panel to thereafter deliberate and make their findings.

- 4.1 The Chairman disclosed to the Hearing the fact that prior to him having been asked by the Complainant to make himself available for a SAIDS Anti-Doping Hearing on 3 July 2019, his secretary had received a call from the sister of the Respondent on 10 May 2019, requesting that he assist the Respondent with a problem which she has and that he telephone her. He recorded also that his secretary advised the Respondent's sister that he would not be in a position to assist the Respondent, as this would place him in a position of conflict, by virtue of the fact that he chaired Tribunals to which he receives appointments from the Complainant from time to time, and that it was unlikely that he would return the call. However, subsequent to that telephone call from the Respondent's sister, the Chairman did receive a telephone call from a woman who identified herself as the Respondent, who asked if he was aware of her case, which he was not. She then called upon him for certain advice because she was accused of having evaded her out-of-competition Doping Control test. His answer to her was that he was unable to assist her, save to suggest that she appoint an attorney or alternatively, that she communicate directly with the Complainant. At the time of the Chairman's discussion with this woman, he had not yet been requested to sit on this Anti-Doping Tribunal.
- 4.2 Ms Begg addressed the Tribunal, informing them that the Respondent's threatened Lesotho High Court Order had not resulted in any legal documentation being served on the Complainant and that she was unsure whether other parties to those proceedings, including

the Lesotho National Olympic Committee, were also intended to be cited in that matter. However, she believed that the Respondent assumed, because she had allegedly filed papers in the Lesotho High Court to stay these proceedings, that this matter would therefore not be proceeding. Ms Begg did however inform the Tribunal that as far as the Complainant was concerned, the Lesotho High Court did not have the *locus standi* to stay these proceedings;

- 4.3 The Tribunal acknowledged that it had the necessary *locus standi* to hear this matter and the Chairman ordered that this Hearing would therefore proceed;
- 4.4 Owing to the Respondent's voluntary absence from this Hearing, the Chairman recorded a plea of not guilty on behalf of the Respondent, basing it on the Respondent's written answers given by her to the charge against her, as referred to in paragraph 1 above. These answers and the exchanges between the Complainant and the Respondent were contained in the bundle which had been circularised amongst all parties present, including the Respondent, by the Complainant, prior to the commencement of the Hearing.
- 4.5 Ms Begg, in a brief opening address, informed the Tribunal that the evidence which she would produce through the witnesses whom she proposed calling, either in person or via Skype or a telephonic conference call, would reveal conclusively that there was no merit in the defences relied upon by the Respondent. In her opening address, Ms Begg pointed out that the Complainant's Doping Control Officers ("DCOs") are her key witnesses. They had identified the Respondent by establishing to the Respondent their accreditation on behalf of the Complainant, when they informed the Respondent that they were there to test her urine and blood on 7 October 2018. It was thereafter that the Respondent had intentionally evaded submitting to the necessary test/s, relying for her defences to the charges, on false facts. These false facts were that she was not in

Lesotho at the time of the visit of the Complainant's DCOs and that she had remained in Johannesburg that day, preparing to compete in the Spar Women's Challenge on 7 October 2018, but she was unable to participate in that race, owing to the fact that she had been involved in a motor vehicle accident in Johannesburg that day, where she had remained that entire day. Ms Begg pointed out that the supporting documentation relied upon by the Respondent consisted, *inter alia*, on stamps appearing on a copy of her passport, indicating her non-entry to and/or exit from Lesotho that day, plus an accident report together with witness statements. However, the Respondent had been slow to produce these documents and only produced them following considerable probing for them on the part of Ms Begg. Ms Begg then went on to state that it is the Complainant's contention, supported by its witnesses, that the accident report as well as the production of a copy of the athlete's stamps on her passport were both fraudulent and that in the result, the Respondent's evidence and that of her witnesses, will be found to have been totally discredited. She also pointed out that whilst the charges brought against the Respondent pursuant to SAIDS Rules 2.3 and 2.5, differ from the provisions of SAIDS Rules 2.1 and 22 which apply to the presence of a Prohibited Substances, the contravention of Rules 2.3 and 2.5 nevertheless constitute Anti-Doping Rule violations. She went on to state that the Complainant bore the onus of proving its case on the balance of probability, whilst the Respondent had the onus of providing the Tribunal with convincing evidence, to their comfortable satisfaction. The final point in Ms Begg's opening address was that when the Tribunal hears the evidence which she proposes producing, it will be satisfied that the Complainant has established the motive for the Respondent's conduct in evading and avoiding submitting to being tested by the Complainant's DCOs and for tampering with any part of the Doping Control because she was aware that if convicted of the charges she was facing, she would receive a lifetime banning

from the sport, as this conviction would constitute her second Anti-Doping Rule violation (ADRV).

With that, Ms Begg was invited to lead her witnesses.

4.6 Before Ms Begg began leading evidence from her witnesses, the Panel acknowledged that it had taken note of the evidence relied upon by the Respondent and corroborated by her Nedbank Club Overseer, Thaba Goodman, her aunt in Lesotho, Mamakoa Majoro and others. This corroborated evidence on which the Respondent relies is to the effect that she, on 6 October 2018, attended an appointment with her doctor, a certain Dr Theron, in Bloemfontein and that on the following day, 7 October 2018, on her way to participate in the Spar Women's Race in Johannesburg, both she and the said Goodman were involved in a car accident in Johannesburg, where the Respondent remained from the evening of 6 October 2018, without departing therefrom until 11 October 2018. This, the Respondent contended, made it impossible for her to have been in Lesotho or at the home of her aunt, Mamakoa Majoro, when the Complainant's DCOs contend that they endeavoured to have her submit to an out-of-competition Doping Test for her blood and urine on 7 October 2018. Furthermore, also false was the Respondent's evidence and that of her witnesses to the accident that she had been involved in a car accident on 7 October 2018 in Johannesburg, on her way to the Spa Women's Race, this to support her false evidence that she had not been in Lesotho that day. In fact, there had been no such accident, to which she and her witnesses had perjured themselves.

4.7 For the Complainant, Ms Begg called the following witnesses, who testified as follows :



- 4.7.1 Thabo Tsoaeli, who testified that he is a RADO DCO based in Lesotho. He testified to facts within his personal knowledge, namely that:
- 4.7.1.1 He lives in Butha-Buthe in the northern district of Lesotho and works as a senior sports organiser in the Ministry of Sports and recreation in Lesotho;
- 4.7.1.2 He is also a Doping Control Officer, which he has been for approximately eight years, since 2011;
- 4.7.1.3 In being led by Ms Begg, the witness testified as follows :
- 4.7.1.3.1 He had previously tested the Respondent several times during the Lesotho High Altitude Summer Marathon competitions in December every year;
- 4.7.1.3.2 The last time he saw the Respondent was when he and his fellow DCOs, namely Retief Freysen and Zipindile Dlamini, met the Respondent to test her at the home of Majoro on 7 October 2018, with Dlamini being the blood collection officer and Freysen the Lead Doping Control Officer;
- 4.7.1.4 He and his fellow DCOs arrived at the home of Majoro in Lesotho at 18h14 on 7 October 2018, finding what they believed to be the Respondent's motor vehicle parked outside. They walked to the front of the house, knocked on the front door, but received no response. They then walked around the house and found the kitchen door which was half open. On knocking on that door, they were greeted by the owner, Majoro, whom they later learned was the Respondent's aunt.

Majoro allowed them to enter and as they did so, they found the Respondent in the kitchen of the house. They introduced themselves by producing their accreditation cards and thereafter Mr Freysen told the Respondent that she would be required to provide both urine and blood samples. To this the Respondent said, "OK", and Mr Freysen then left to retrieve his Doping Control equipment from his vehicle, which was parked outside. However, immediately after Freysen went to his car, the Respondent got up, saying that she was coming, and she went into one of the other rooms despite being told not to go, because she had already been notified (of the purpose of their visit). However, the Respondent ignored that instruction. When Mr Freysen returned shortly thereafter, he and Ms Dlamini informed Mr Freysen that the athlete had gone to the other room/s, despite being warned not to. After a short while it became apparent to them that the Respondent was not returning. At that stage, Freysen tried to call out loud to the athlete to return, but there was no response and the Respondent failed to return. Freysen and his fellow DCOs then requested Majoro to look for the Respondent, which she then did, returning to report to them that the Respondent is not in the rooms. When they insisted on Majoro producing the Respondent, she answered that the Respondent was simply not there, adding that she suspected that the Respondent might have gone to the shops surrounding the house. On the Complainant's DCOs going outside Majoro's house to check if the Respondent had used another door, they noticed that there was indeed another door from which the Respondent might have exited the house. However, not finding the

Respondent, the witness and his fellow DCOs returned to Majoro's house and asked for her permission to allow one of them to look through the rooms themselves in search of the Respondent. On receiving permission to do so from Majoro, Ms Dlamini went to search the other rooms, looking for the Respondent and after spending some time searching, she returned, confirming that the athlete was nowhere to be found within the house;

4.7.1.5 At that stage, Freysen told Ms Dlamini and the witness to depart from the house because they could not even come back again in the morning, as they suspected that they might experience the same situation on returning, namely that the Respondent was evading them;

4.7.1.6 Being further led by Ms Begg, the witness testified that :

4.7.1.6.1 He had tested the Respondent before, on approximately three previous occasions, all of which were in-competition testing in Lesotho;

4.7.1.6.2 The Respondent had indeed missed previous tests, which had been initiated by the Complainant, namely on 7 October 2018 and subsequent thereto on 6 May 2019, and;

4.7.1.6.3 He could not determine the demeanour of the Respondent after he and his fellow DCOs had introduced themselves to her although, shortly before she disappeared from the kitchen, she

said, "I am coming back", but from that point on, she had simply disappeared;

4.7.1.7

On being requested by Ms Begg to comment on Majoro's version of what happened when the DCOs visited her residence on 7 October 2018 referring to pages 15 and 16 of the bundle, the witness stated that it was not true that Majoro had informed them in Sesotho that the Respondent was not available. He furthermore stated that it was untrue for Majoro to state that she was frightened by his presence that day, as Majoro could then have gone to the nearest police station to open a case of assault against him, something she had not done. He also denied having told her about a doping matter concerning a certain Lioli, a football club player, to which he added that he was aware that any such divulging of confidential information would not come from him to anyone other than the Complainant, unless he was testifying. At all times whilst Mr Freysen had been outside collecting the testing equipment, he, the witness, was never alone with Majoro as Ms Dlamini was always present in the kitchen with him or searching in the same house for the Respondent;

When being referred by Ms Begg to pages 12 and 13 of the bundle, being a letter, written by the Respondent addressed to the legal manager of the Complainant, he was asked to read that letter. Having done so he responded that the content of that letter was untrue, namely that the Respondent was not in Lesotho on 7 October 2018, but at the address 76 Delphenium Street, Winchester Hills from 6 October 2018, returning to Lesotho on 11 October 2018. He responded,

testifying that the Respondent was indeed in Lesotho at the time of the visit by him and his fellow DCOs at the home of Majoro in Lesotho on 7 October 2018 and that the Respondent could not have been in Johannesburg on that day. The witness further denied that he had ever been warned or disciplined by the Lesotho Local Organising-Olympic Committee, or the Lesotho Amateur Athletics Association. He added that the reference to him possibly being confused and unable to properly recognise the Respondent, as indicated on pages 12 and 13 of the bundle. This he emphatically denied saying it was not a case of mistaken identity on his part on 7 October 2018 at Majoro's house, as he knew precisely who the Respondent was, and in any event, his fellow DCOs, Dlamini and Freysen, had carried with them, for them to identify the Respondent, a photograph of the Respondent. In fact he stated that there were only two women in the kitchen of Majoro's residence on 7 October 2018, apart from Dlamini, and they were Majoro and the Respondent. He was also able to recognise the Respondent from having previously tested her when she tested positive for Prohibited Substances, resulting in her serving a two year sanction for an ADRV. Moreover, the Respondent's allegation in her appealing against her conviction, that he had given her un-bottled and not sealed water was incorrect and false, to the Respondent's knowledge and in any event, this allegation was not accepted by the Appeal Tribunal;

#### 4.7.1.8

When questioned by the Chairperson about the language which had been used when addressing the Respondent about them having been at Majoro's

residence on 7 October 2018, the witness responded that not only did the Respondent understand English, but he had used Sesotho, Southern Sotho, which he also spoke, to make it clear in case the Respondent did not understand English;

4.7.1.9 Questioned by Dr Branfield, the witness answered that to his knowledge, the number of tests which the Respondent had evaded, being out-of-competition tests, he thought were three, excluding the one which is the subject matter of the present Hearing;

4.7.1.10 When asked by Dr Branfield if the Respondent had ever been successfully tested out of competition, the witness answered that he was not too sure about that.

4.7.2 The next witness who was led by Ms Begg was the Complainant's Assistant DCO Zipindile Dlamini. In testifying, Ms Dlamini identified herself as Zipindile Cynthia Dlamini, a nurse living in Mpumalanga Standerton who has worked as a nurse since 2006 and as a blood collection officer and Doping Control Officer of the Complainant since 2014. She also acknowledged that this was her first disciplinary case and that she was testifying for the first time. She assured the Tribunal that no complaints concerning her conduct had ever been lodged with the Complainant's manager, Fahmy Galant. Furthermore, in giving her evidence, she confirmed the material aspects of the evidence which had earlier been given by DCO Thabo Tsoaeli and she clarified the latter's evidence in the following respects :

4.7.2.1 Prior to her and the other two of the Complainant's DCOs going on this mission to test the blood and urine

of the Respondent, they were shown a photograph of the Respondent, to enable them to identify her when they saw her. She had not known the respondent prior to seeing the photograph or meeting up with her at the house of Majoro in Lesotho;

#### 4.7.2.2

That one of the reasons why they stopped outside the house of Majoro and went and knocked on the door of that house was because, when arriving there at approximately 18h14 on 7 October 2018, the motor vehicle parked outside that house was recognised by the Lead DCO, Mr Freysen, as the Respondent's vehicle which, incidentally, also had a GP number plate on it;

#### 4.7.2.3

When approaching the front door to Majoro's house, they knocked on that door which they presumed led to the living room, but there was no answer to their knocking. They then went around the house and in doing so, they arrived at the kitchen door to that house, the bottom of which was closed, but the top half of the door was slightly open and they then knocked on that door. That knocking was responded to by the lady who was later identified as Majoro, whom they informed they were looking for the Respondent. Majoro then went into the house and returned, followed by the Respondent herself. Mr Freysen introduced himself, informing the Respondent that they were there on duty for the Complainant with instructions to test her blood and urine. After all three of them introduced themselves, displaying their accreditation and explaining the purpose of their visit, it became apparent that there was a change in the atmosphere with Thabo Tsoaeli speaking in Sotho.

Thereupon, Majoro began arguing with Thabo. When all three DCOs were inside the house, Thabo continued arguing with Majoro whilst she (Dlamini) and the Respondent sat in chairs alongside the kitchen table, noting that Majoro had been busy cooking before the DCOs' arrival. Shortly after being seated, following the departure of Freysen to his car to collect his testing equipment, the Respondent stood up and walked towards the passage. She and Tsoaeli called out for the Respondent to return but she did not come back. Dlamini was not able to follow the athlete. According to what Dlamini was told by Thabo Tsoaeli, the argument (in Sotho) between him and Majoro was that Majoro contended that the DCOs were disrespecting her in her house. It was during this argument that the Respondent got up and left the kitchen. Thabo Tsoaeli was calling the athlete with Majoro remaining silent and not inviting us to follow her. Thabo however told Majoro that it was essential that the Respondent, after having been given notice of their presence, their accreditation and their purpose, remained under their direct observation. To this, Majoro said nothing, but continued arguing with Thabo. Thabo then requested Majoro to ask the Respondent to return, explaining that the Respondent was obliged to remain in our presence until the end of the sample collection;

#### 4.7.2.4

They then asked Majoro to call the athlete to return. Majoro then went out of the kitchen and returned approximately two minutes later and told us that the athlete was not inside the house and that she thought that the athlete had gone to the store or to the toilet outside;



4.7.2.5

The witness then decided herself to go to the toilet which was outside the house. When she got to the toilet, she found that the toilet was locked from the outside and she then walked around the house to the kitchen, but still could not locate the Respondent;

4.7.2.6

Prior to the Respondent's departure, lead DCO Freysen had left the kitchen to go to his car to collect the testing equipment which was stored there. When Freysen returned, he asked where the Respondent was. When he was told what had happened, that Majoro could not find the Respondent, it was assumed that the Respondent was not returning, at which time Majoro was refusing to call the Respondent or to even give them her own name or number. This caused them to go outside. When outside the three DCOs were discussing what should be the next step, at which time Mr Freysen suggested that they return and request the aunt to allow them to inspect the inside of the house just for them to confirm that the Respondent was in fact not there. They then went back to the house, knocked and while they were knocking, Thabo continued calling the athlete by name, but there was no answer. Then, as they were turning by the corner to leave, the aunt reappeared and called them to come back. After she took them inside, they were asked to sit and Majoro then went into the interior of the house, searching for the Respondent in various rooms where she and her fellow DCOs remained seated. Majoro then permitted them to inspect the first bedroom, but when they got there, Majoro's telephone rang and she answered it. Overhearing Majoro's conversation and understanding the gist of what she was saying, it became apparent that she was having a discussion

with the Respondent, who was enquiring whether the DCOs were still there. Majoro then told the person to whom she was talking that the DCOs were still there and were searching for her (the Respondent). After that conversation was concluded, the witness testified that she and her fellow DCOs went to inspect some of the other rooms in that house and found that apart from themselves and Majoro, there was no-one else present in the house. At that stage they went outside, via the kitchen door, at 18h53 when they assumed that the mission had ended;

#### 4.7.2.7

On being referred to Majoro's Affidavit, and on being invited by Ms Begg to point out any inaccuracies which she found in Majoro's Affidavit, the witness said that according to what she was told by Thabo, he had been explaining that the Respondent must remain under the direct observation of the Complainant's DCOs and that if the Respondent disappeared, her disappearance would be taken as "positive". The other inaccuracy pointed out by the witness was that Majoro contended that the Respondent was not in Lesotho. This the witness stated was a false statement, because the Respondent was definitely in Lesotho at the time of their visit. The witness also testified that she and her fellow DCOs were positively aware of the fact that at the time of their visit to Majoro's house in Lesotho, they found the Respondent where they identified themselves, produced their accreditation and informed the Respondent that they were there on behalf of the Complainant, to test her blood and urine;

#### 4.7.2.8

The reason why Majoro was contending that they were disrespecting her is because we were calling for the

Respondent, not in the Respondent's house but in her house;

#### 4.7.3

The next witness who was led by Ms Begg was the Lead DCO, Retief Freysen who, because he was not able to attend in person, gave his evidence by means of a telephone conference call. His evidence corroborated the evidence previously given by both Thabo Tsoaeli and Zipindile Dlamini in all material respects, including his own departure from Majoro's house subsequent to the three having identified themselves and producing their accreditation to the Respondent in the kitchen of that house, and informing the Respondent of their purpose. He then exited the house in order to return to his car to collect the Doping Control equipment which he had stored in his locked car. He further testified that on returning to Majoro's house, he was told that the Respondent was no longer there, despite having been directed by Thabo Tsoaeli not to leave. Freysen's evidence also confirmed the date and time of their arrival at Majoro's house in Lesotho on 7 October 2018, and the time of their departure subsequent to the Respondent departing from the kitchen of Majoro's residence and failing to return without justification, thereby evading the Complainant's DCOs' intended sample collection from her, with her effectively refusing or failing to submit to that sample collection, after notification thereof was given to her on 7 October 2018.

#### 4.7.3.1

Mr Freysen was then referred by Ms Begg to pages 6 to 9 of the DCO Report in the bundle, which he testified to having completed himself, including the manner in which he and the other DCOs received their instructions in this matter from the Complainant, adding that these instructions did not contain a specific

address for the Respondent at one or other of the two homes where she was believed to be residing. He added that that was the reason why Thabo Tsoaeli had been instructed to join the DCO team because he knew the area quite well and knew of the two addresses in Lesotho where the Respondent was believed to be residing. He also testified that at inception, neither Majoro nor the Respondent had been hostile until the moment he introduced himself and explained the reason for his visit. It was then that the expression on the faces of the Respondent and Majoro suddenly changed, indicating that they did not want to co-operate. At no stage however did either of them inform the DCOs that it was not the Respondent they saw in the kitchen. He read Majoro's Affidavit in which she said that the Respondent was not there, but that is not correct because she was there. Questioned as to whether he or the other DCOs had threatened or assaulted either Majoro or the Respondent, he denied that that ever occurred while he was present in the house or in the kitchen;

#### 4.7.3.2

Having been referred to pages 15 and 16 of the Hearing bundle, being Majoro's Affidavit, he was asked by Ms Begg for any inconsistencies in that Affidavit. His answer was that whilst he was present, there was never the instance referred to in paragraph 4 where Majoro allegedly shouted out the Respondent's name, telling her that she had visitors. That never happened in his presence. He further asserted that all other accusations about bad treatment were events that had not occurred and which he had certainly never experienced;

4.7.3.3

Ms Begg then referred him to the Respondent's statement appearing on page 13, which he acknowledged as having read. On being questioned as to the correctness of that statement, he said it was not correct because he was aware that the Respondent had been present in the kitchen when they entered Majoro's house. At no stage did she deny that she was not Mamorallo Tjoka. However, at the time of the visit, they didn't know initially that Majoro was the Respondent's aunt. They only understood that to be the position later. Further, on being questioned by Ms Begg, by reference to pages 13 and 14 of the bundle, he disputed that the Respondent, in her statement, had identified any other person apart from himself and his fellow DCOs and Majoro, as being present at the time. He further disputed that any mention was made of a niece (of the Respondent) or any another female person that might have been present there, stating that only the aunt mentioned this in her Affidavit, but no such other persons were present;

4.7.4

The next witness who was led by Ms Begg was the Respondent's Bloemfontein doctor, Dr Theron, who testified via a telephone conference call, confirming that he had on 6 October 2018, examined and treated the Respondent for an inflamed muscle, this at a time when he was unaware that the Respondent intended running a race on the following day, and believing that the Respondent only wished to exercise the following day. He emphasised that had he been aware that the Respondent intended racing the following day, he would not have injected the inflamed area locally with Celestone Soluspan, a corticosteroid. He also pointed out that at the time of his examination of the

Respondent on 6 October 2018, she was accompanied to his medical practice by Thabo Goodman. When asked by Ms Begg whether Thabo Goodman attends all the Respondent's appointments with him when she comes to visit him, his response was, "*I don't think I've ever seen her without him being present, Yes. He generally comes with her.*";

#### 4.7.5

The next witness whose evidence was led by Ms Begg was Colonel Micheal Sales. Colonel Sales distributed amongst the Panel members copies of his most impressive curriculum vitae as an experienced investigator. He went on to testify that he was currently working for the Complainant as an investigator and analyst. He explained that he had been a colonel in the South African Police Force for forty years and that for the last ten to fifteen years thereof, he was the Commander of the Cyber Forensic Unit at Detective Services Head Office. He testified that he had vast experience of investigations, having been a detective all his life, that he studied at Pretoria University and was also a lecturer there in cyber crime. He also studied at RAU and studied a diploma at the Technicon South Africa. He testified further that he had been appointed by the Complainant to do consulting work, investigations on certain issues which they have and that he also does analysis on sport issues that the Complainant sends to him. He further testified that :

#### 4.7.5.1

He still has contact Captain Mark de Bruin from the Hawks, whom he has previously known because he is from the narcotics side and because at this stage some of the issues that he investigates, are related to narcotic issues which the SA Police Service is investigating and in respect of which he does send

some of his problems to Captain de Bruin for further investigation by SAPS;

4.7.5.2 He received an instruction from the Complainant with regard to the Respondent. Originally, that instruction related to an accident report at a specific time in Johannesburg, which is in the bundle;

4.7.5.3 He referred to an accident report appearing on page 27 of the bundle, adding that on going through the report and the Respondent's statement, he had examined the stamps on the copy of the Respondent's passport which appears at page 18 of the bundle. However, what he found was that there were certain discrepancies in the stamps appearing on page 18, which raised certain flags for him. This resulted in him making enquiries at the Home Affairs Analysis System, asking for a detailed report on the Respondent's activity at Home Affairs at the Movement Control System;

4.7.5.4 The report he received from the Movement Control System at Home Affairs, challenged the Respondent's claim that she was in an accident on 7 October 2018 at 06h15. However, according to the Home Affairs System, she was not then in South Africa, despite there having been a stamp in her passport which showed a possible entry for that date. However, the stamp suggesting an entry raised his suspicions because it was stamped over another date and was therefore barely legible. He referred to this stamp in the bundle, pointing out that it raised his suspicions, causing him to ask for a detailed report from Home Affairs. On receiving this report, it indicated to him that

the Respondent actually was in South Africa on the 6<sup>th</sup> but not on the 7<sup>th</sup> (October 2018). He then requested a further statement from a Home Affairs official, a certain Themba Benjamin Nxumalo, a control immigration officer in the Department of Home Affairs, who had deposed to an Affidavit in this matter. This Affidavit, together with the annexures thereto, appears at pages 43 to 48 of the bundle. However, on page 45 thereof, the witness testified that he was able to establish a reference to the Respondent's passport identity, including traveller, traveller's date of birth and it then gives a column for directors and then a further column that shows movement, date and time. What was then revealed, Colonel Sales stated was the Respondent's entry into South Africa from Lesotho on 6 October 2018 at 08h03 and that on the same day, she exits South Africa and arrives back in Lesotho on 6 October 2018 at 15h42, remaining in Lesotho until departing therefrom and arriving in South Africa on 13 October 2018 at 12h54;

4.7.5.5

On being questioned by Ms Begg as to the accuracy of this report from Home Affairs, his answer was, "100 per cent correct", adding that "*what we do in South Africa is that we moved away from only the stamps in the passports. They scan in your passport (on departing South Africa) and they scan it in when you come back. So this is a reflection of the system which is therefore 100 per cent correct according to Home Affairs and that's what we're using in South Africa now. Actually, all over the world we are using the same type of system*";



4.7.5.6

On being asked by Ms Begg whether it was his evidence that we could not rely solely on stamps and that more supportive evidence with regard to entry and exit and *vice versa* was required. He confirmed that that was correct, explaining that what occurs at certain border posts in South Africa, for example at neighbouring countries like Lesotho, like Beit Bridge, like Komatipoort, is that owing to the fact that people living close to the border posts often move in and out of the country, their passports are not being stamped owing to the cost thereof. This in turn results in people not having their passports stamped at these borders. He added that if residents from neighbouring countries come to South Africa, other than for official purposes, namely for a brief shopping visit and returning the same day, they are able to accomplish this without having their passports stamped. However, he pointed out that this is not the case when entering South Africa on official business for more than a day, in which case the passport would be stamped and the entry and exit to and from South Africa would be scanned in the passport concerned and recorded with Home Affairs which, in turn, is in a position to reflect a computerised printout of that activity, with or without the passport being stamped;

4.7.5.7

When referred by Ms Begg to the Respondent's accident report, the witness answered that he had been through the entire report, from which he learned that the back of the report contained the witness's address which, for him, was his starting point. He then added that the Respondent and Thaba Goodman claimed that they were witnesses in the car, submitting telephone numbers and their passport numbers.

Additionally, he stated that the Respondent had recorded that she stays in Winchester Hills, something which he had found on previous documentation (all of which documentation is in the possession of the Complainant). He added that the Respondent also gave an address in Winchester, Johannesburg and, using this information and being suspicious of what was going on, he made a report to the Hawks and told them that he believed that there had been an infringement, that somebody had possibly committed forgery, submitting to the Complainant a false report on the passport to establish that the Respondent was in South Africa at a particular time. The witness then went on to testify that this information led to Captain de Bruin of the SAPS opening an enquiry using all the necessary numbers (which had been supplied by the Respondent in her accident report). What he then did was to apply for a Section 205, which Captain de Bruin sought from the service providers, Vodacom, MTN and so on, in order to ascertain if they (the Respondent and her witnesses) were really in South Africa at the accident scene where they claimed to be at the time of the accident. The witness was then referred by Ms Begg to pages 75 to 79 of the bundle, and was asked if he could confirm that he had provided the Complainant with the diagrams appearing on pages 75 to 79 of the bundle. He confirmed that he had and he then explained to the Tribunal that these diagrams were connected to this case. The witness then went on to testify that by looking at the chart, it could be seen that there were four parties involved, namely, the Respondent, a Majoro (not the Respondent's aunt in Lesotho), Thaba Goodman and Marja, with the

Respondent as the complainant on the accident report. He added that what he then did with the information concerning the passport numbers of the drivers and witnesses, including all the numbers on the accident reports and the names of the parties concerned, is to undertake what is called a credit check. This credit check enabled him to establish where each of the parties named was at the time and date appearing in the accident report;

4.7.5.8

He then submitted his statement to the Hawks and to the SAPS, telling them that the people that are involved in this accident, both the drivers and the witnesses, having raised his suspicions, allowed him to receive Section 205 data for the specific dates on each of these individuals. He continued saying that what he then did was to use a program called Analyst's Notebook, where he then drafted a communication chart which appears on page 75 of the bundle. This communication chart shows the communications between all these people referred to in the accident report. Particularly, it shows that not only were there communications between them, but that they knew each other. It then became clear to him, based on the communication chart, after receiving data from Vodacom and MTN, (being a lot of numbers and IMEI numbers), precisely whom was talking to whom, which the communication chart reveals;

4.7.5.9

When asked by Ms Begg, if he could tell who Majoro was talking to and the times and the connections between Thaba Goodman and Majoro, the witness responded *"if you want to know who is Majoro, I'll go to the accident report where I will find that she is a cousin*

*of the Respondent who stays with the Respondent at her Winchester Hills home".* He went on to add that he had done an ITC check on the Respondent, finding the same address of this cousin where the Respondent sometimes stays, according to some of her statements. He then went on to add that this Majoro was the driver of the vehicle A, with Marja as the driver of vehicle B, as appears from the accident report. When asked by Ms Begg what he had discovered concerning driver B Marja, the witness responded that she was involved in the accident to a vehicle that belonged to the Respondent and which the Respondent's cousin Majoro was driving, and that, according to the Section 205 data, Marja was never in Johannesburg when the accident occurred on the 7 October 2018 at a quarter past six. In fact, Marja was actually at the Déjà Vu cellphone tower mast, which he believed to be in Pretoria, adding that Marja was never in Johannesburg, close to Xavier Street where the accident occurred. Further, referring to his draft timeline and the map he had prepared, which appears at page 79 of the bundle, Marja's position is clearly plotted, as are the positions of the Respondent and Majoro (who is the Respondent's cousin) and Thaba Goodman, as appears from pages 78, 77 and 76 of the bundle respectively. The witness furthermore referred to two maps which he had prepared, and which he then distributed amongst the members of the Tribunal. In doing so, he pointed out that looking at the maps, one could determine exactly where the point of the accident was and also the point where the other parties referred to were at the time of the accident, in accordance with the Respondent's accident report,

which placed them in close proximity to the Booyens Police Station, which is situated in Xavier Street. He went on to add that by observing the data, it became clear that none of the parties mentioned were even close to the point of the accident. In fact, the Respondent was on her phone, showing precisely where she was. Furthermore, Thaba Goodman, who claims to have been a witness according to the accident report, also claims to have been with the Respondent in Bloemfontein on the previous day, 6 October 2018 which he confirms is correct, namely that they were both in Bloemfontein. However, what this data shows is that Goodman stayed in Bloemfontein until the 8 October 2018 and was never in Johannesburg on the previous day, namely 7 October 2018, or even close to the accident scene, as per the accident report, where he claims to have been in an accident with the Respondent in the car. He furthermore pointed out that the same applies to the Respondent, to Marja, the driver and the same to Majoro (the Respondent's cousin), the other driver and that none of them were even close to Xavier Street where the accident was.

The witness went on to add that he was able to establish the specific locations of these four parties, based on the telephone numbers which each of them provided in the accident report which, in turn, enabled him to triangulate their particular positions over the relevant period of time;

4.7.5.10

Ms Begg then referred the witness to page 17, of the bundle, enquiring about a communication by means of WhatsApp from Thaba Goodman to Adriaan Cronje of

the Nedbank Running Club. The witness' response was, *"So if you go to page 20 Goodman submitted this chat. Okay. No, sorry, it was Tjoka (the Respondent). So Ms Tjoka submitted this print screen of a communication that was sent from Thaba Goodman to Adriaan Cronje. Adriaan Cronje is with Nedbank Running Club. I also communicated with Adriaan Cronje and he sent me the exact same printout screen to confirm that he did receive communication from Thaba Goodman that she (the Respondent) was involved in an accident."*

4.7.5.11

On being referred by Ms Begg to the photo of the damaged vehicle appearing on page 20 of the bundle, where the photo bears the date 7 October 2018, and the time stamp of 11h18 and then 11h20, the witness responded that if Thaba Goodman says he was involved in the accident, he needs to explain why there is a forwarded photo and not a live photo taken by himself (Thaba Goodman) sent to Adriaan Cronje. The answer according to the witness is that the photo referred to is an old photo that someone forwarded to him, *"but it is not a question - if you look at his data on his phone, he couldn't have been in Johannesburg. This was forwarded to him and he forwarded it then to Mr Cronje. It is not possible that he was on the accident scene if you look at the data of his phone."*

The witness therefore concluded that the photo was forwarded by Goodman to somebody else and this person then forwarded it on to Mr Cronje. He added that it becomes a forensic matter and that the data analysis can be undertaken on Goodman's phone by means of forensic tools through which it can be

established precisely where the photo was taken. However, for this he stated, the original photo is required, so that he could then be in a position to establish precisely where the photo was taken;

4.7.5.12

On being referred by Ms Begg to pages 69 to 74 of the bundle, the witness pointed out that on going through these bank statements (of the Respondent) he was unable to see any purchases made in South Africa at the time the Respondent claims she was in Johannesburg. The witness added that on 6 October 2018 there was a cash withdrawal and there was another withdrawal on 9 October 2018, but not on 7 October 2018, when the accident occurred. He added that he cannot pick up on the specific transaction made on 6 October 2018, save to state that it was at Gateway, whereafter the Respondent was in Bloemfontein, although there were no withdrawals in South Africa on 7 October 2018;

4.7.5.13

Ms Begg drew the witness' attention to the Home Affairs records that the Respondent was still in Lesotho on 11 October 2018 and that she was not in South Africa at that time. She then posed the question of whether it was probable that she could have gone through the border post without scanning or a possibility that she gave somebody her bank card and pin to do a cash withdrawal for her in order to establish an alibi that there was perhaps movement, however nothing sticks to show Johannesburg. To this, the witness responded that whilst the card shows that it was in Ladybrand, close to the Maseru border post, it was where one could walk through, simply informing the officials that you would be back in an hour or so,

which is the normal practice. He furthermore pointed out that, *"you can't go through the border post and say, I will come back tomorrow or later today. That is not on. If you go to Ladybrand quickly for shopping, you walk through and then you don't get a stamp. But as I said it is one of the two which happened there. Either she walked through or somebody else took the card and went to Ladybrand and came back with the card."*

4.7.5.14

The witness was then questioned by Ms Begg as to what the consequences would be for someone such as the Respondent providing false information and/or falsifying legal documentation which is then used as her evidence at Hearings or in a Court. To this the witness promptly responded that the consequences would be that the person concerned would either be charged with perjury or fraud, adding that what is currently happening is that the Hawks have already opened an enquiry on the Respondent for this and it will be sent through to the NPA to make a decision on her and what they are to do concerning her. He however acknowledged that he had considered the Respondent's conduct to be serious and most unsportsmanlike. He added further that if you look at the accident report and you look at the map which he handed in, and you look at the timelines of all of them, none of them were even close to either Booyens Police Station or at the accident scene at Xavier Street. All of them should be charged for making false statements. Again referring to the communication chart, the witness stated, *"you can see clearly, all of them know each other. Because of, it was an accident with two total people that don't know each other, then there won't be a link, but the link is there. And it shows*



*that – and it's actually more scaring, is that Mr Goodman who is the witness, has perjured himself, and Marja, who I picked up is also an athlete, similarly perjured herself.”;*

4.7.5.15

Questioned by Ms Begg as to whether he was able to obtain the original accident report, the witness answered that what he had done was to ask Captain de Bruin to obtain from the Booyens Police Station or the Mondeor Police Station, the original accident report, but he was unable to do so and all we have is a copy;

4.7.5.16

With regard to linking the various telephone calls to the cellphone towers/masts, the witness assured the Tribunal that what has been done is 100 per cent correct and that it could be taken to another analyst who will provide the same answer. He added, *“It is actually cell phone data that shows where the phone was at that specific time and the towers is, all the cell phone towers, as soon as you get into a specific area – that is why if we look at the maps, you cannot be in Xavier Street and your phone is here, 15 kilometres from that. Your cell phone is programmed to pick up the closest cell phone tower, not the one where you stay or your phone – that is 100 per cent correct.”.*

He went on to add that if you take the Respondent's bundle *“which she submitted to the Complainant and which he went through in regard to her chats, you can see which is in and which is out. There was only one stamp for which she claimed was 7 October 2018, but that stamp was over another one on that date. So you cannot say 100 per cent, listen, is it the 7<sup>th</sup> or is it not.*

*So that with her statement as well and then we did the check at Home Affairs of which it was confirmed that there was no or she was not in South Africa on the 7<sup>th</sup> .”*

4.7.5.17

Questioned by the Chairperson about this manipulation of passport stamps and the creation of false impressions with the possible assistance of officials at the border posts, identifies serious irregularities, does it not? Colonel Sales confirmed that the identification of these irregularities was correct and that they have been committed by many people and not just the persons directly involved, but also with the assistance of people at the border posts as well. This too, Colonel Sales confirmed.

5. Prior to this Hearing being resumed for the Complainant's closing argument to be addressed to the Tribunal, Ms Begg circulated amongst the Tribunal members a copy of a Court Order which had been issued by the Lesotho High Court on the Respondent's application to stay this Hearing. It became apparent from the copy of this Court Order that the relief which the Respondent sought against the Complainant and others had been dismissed.
6. Following the postponement of the Hearing *sine die*, and the receipt by all parties of the transcript of the evidence, the Hearing resumed for closing argument on 1 August 2019 at 18h00. However, before Ms Begg commencing her closing argument, Ms Begg advised the Tribunal that she had notified the Respondent of the date for the resumption of this matter, but had been informed by the Respondent that she had no intention of attending this resumed Hearing. Furthermore, the only persons present at this resumption, apart from Ms Begg and the members of the Tribunal, was Keo Matlala, an attorney from the Chairperson's office, who was attending

as an observer. Ms Begg then addressed her closing argument to the Tribunal, drawing attention to the following :

- 6.1 If the Respondent were to be convicted on the charges she is facing, this would constitute a second offence within a ten year period and that in the result, she would be facing an eight year period of ineligibility, not a lifetime period of ineligibility as she had indicated in her opening address. That despite the Respondent's evidence as reflected in the bundle and as corroborated by the Respondent's witnesses, the Respondent's aunt, Mamakoa Majoro and Thaba Goodman, the Complainant had proved its case against the Respondent to a far greater extent than on a balance of probability, whilst the Respondent had failed to prove any of her defences to the charges she was facing, to the comfortable satisfaction of the Tribunal;
- 6.2 It was clearly established from the Complainant's witnesses, namely the DCOs Thabo Tsoaeli, Zipindile Dlamini and Retief Freysen as well as the evidence of Colonel Sales and the Department of Home Affairs Affidavit which had been deposed to by Themba Benjamin Nxumalo, not only that the Respondent had contravened the Rules 2.3 and 2.5, but that the version of the facts upon which the Respondent relied, had been shown to be false. More particularly, the defence of being involved in a motor vehicle accident on 7 October 2018 was a fabrication, as was the accident report upon which the Respondent relied. So also was her contention that she had not been in the home of her aunt, Majoro, when the Complainant's DCOs arrived there after 18h00 on 7 October 2018, contending that the person whom the DCOs saw there was someone other than the Respondent, who had remained in Johannesburg at that time;
- 6.3 Ms Begg relied upon the evidence given by Colonel Sales as well as the diagrams and maps produced by him showing that the

Respondent, at the time of the alleged accident, was at her aunt's residence in Lesotho and that the Respondent had entered Lesotho from the South African border during the late afternoon of 6 October 2018, remaining there until she returned to South Africa on 13 October 2018. It followed therefore that not only does the Complainant's evidence on the facts stand unassailed during the Respondent's ADRVs of Rules 2.3 and 2.5, as charged. Furthermore, the Respondent's version of the facts upon which she relies has been fabricated and is false. Ms Begg furthermore submitted that it had been shown by the evidence which she has led that the Respondent had intentionally perpetrated a fraud on the Complainant and that additionally, not only the Respondent, but also Thaba Goodman and Mamakoa Majoro, had perjured themselves and would likely be facing criminal charges. Additionally, the Respondent's accident witnesses, Marja, the Respondent's niece, Majoro and Goodman had made themselves complicit in the fraudulent accident report, which might render these parties liable to prosecution as well, and;

- 6.4 Ms Begg, in the circumstances, submitted that it would be proper for the Tribunal to find the Respondent guilty of the ADRVs with which she was charged and for her to be sentenced her to an eight-year period of ineligibility, as provided for in terms of the provisions of Rule 10.7.1(b), urging that that period of ineligibility should commence retrospectively from the date of the commission of the offence with which the Respondent was charged, pursuant to Rules 2.3 and 2.5 aforementioned, namely 7 October 2018.

## 7. CONCLUSION :

- 7.1 The Tribunal, after due deliberation, accepts the evidence of the Complainant's witnesses. In so doing, it rejects the contrived and false evidence presented by and on behalf of the Respondent, both with regard to the alleged accident, and also with regard to the

Respondent not being present at the home of Majoro in Lesotho, when the Complainants DCOs presented themselves to her on 7 October 2018, advising her that they were there for the purpose of having her submit to the testing of her bloods and urine. In doing so, the Tribunal considers the conduct of the Respondent to have been totally dishonest and unconscionable, egregiously so, justifying the imposition of the maximum penalty which can be imposed upon the Respondent, this to serve as a deterrent to other athletes who may consider using dishonest methods to justify their ADRVs.

- 7.2 In finding the Respondent guilty of contravening the SAIDS Anti-Doping Rules 2.3 and 2.5, the Tribunal notes that this is the Respondent's second ADRV offence committed within a ten year period. She is declared to be ineligible from participating in any organised sport wherever she may be, whether in South Africa, Lesotho or elsewhere in the world, for a period of eight years, commencing retrospectively from the date of the commission of her offences, namely 7 October 2018, as prescribed in Rule 10.7.1(b).
- 7.3 The Respondent is directed to return whatever awards she has received from her participation in any athletics events on or after 7 October 2018, and any awards to which she may be entitled but has not received during this period, shall be forfeited by her. Furthermore, these awards include and shall not be limited to prize monies, medals, certificates and/or records. Any records with which she may have been credited shall be annulled. Moreover, she is hereby ordered to repay any prize money received by her on or after 7 October 2018, which is to be repaid by her to the organisers of any of these events in which she participated. If she is unaware of the identities of these organisers or the contact details for them, this information is to be supplied to her by the Complainant, or failing the Complainant, by ASA. If for whatever reason the Respondent is unable to repay any of these monies and return any of these awards she has received during this period of ineligibility, they are then to be

paid to and/or returned to ASA, which is hereby charged with the obligation to refund these monies and awards to the persons who provided them. Similarly, medals and/or certificates received by the Respondent during this period of ineligibility, must be returned, if not to the organisers of the event/s, then to ASA, for the latter to ensure that they are returned to the person or organisation which provided them.

- 7.4 Finally, we impose a punitive award against the Respondent, as a mark of the Tribunal's displeasure with her dishonesty and the lengths to which she has gone to avoid being tested. She is therefore ordered to pay to the Complainant the expenses which the Complainant has incurred, both in uncovering the Respondent's dishonest behaviour, which shall include the costs of this Hearing and the costs of the Tribunal members, all of which shall be payable by the Respondent to the Complainant, on demand.

**DATED at JOHANNESBURG ON THIS THE 16<sup>TH</sup> DAY OF AUGUST 2019.**



**MONTY HACKER**  
Chairman

**With DR ANDY BRANFIELD and MR  
YUSUF (JOE) CARRIM concurring.**