



bearing code number 4436329 (A sample) revealed the presence of Furosemide. Furosemide is a diuretic and masking agent in the World Anti-Doping Agency's 2019 Prohibited List.

2.3 On the 30<sup>th</sup> day of October 2019 JADCO notified the athlete in writing ("JADCO letter") that the urine sample taken from him in competition testing on the 07<sup>th</sup> day of September 2019 at the Jamaica Amateur Body Building and Fitness Association National Senior Championships revealed the presence of a specified substance under the WADA Anti-Doping Agency's prohibited list 2019 namely Furosemide and that the athlete, Mr. Kemoy Brown, breached Article 2.1 of the JADCO rules.

2.4 The athlete was also notified in the JADCO letter as to his rights under the Anti-Doping In Sport Act and JADCO Rules inclusive of his right to request the analysis of the "B" sample. The athlete acknowledged receipt of the JADCO letter in writing that included: (1) Notification of adverse analytical finding in letter dated 30<sup>th</sup> October 2019 in respect of his A sample bearing code number 4436329 which was collected on the 07<sup>th</sup> day of September 2019 (2) Form of Request for B Sample Analysis (3) Form of Waiver of Right to a Hearing (which was filled out by the athlete) (4) Form of Request for Laboratory Documentation Package and (5) Acknowledgment Receipt (which was filled out by the athlete).

2.5 The athlete declined in writing to request a B sample analysis. The relevant bodies associated with the athlete's sport as well as WADA Results Management were notified in writing by JADCO as to the returned adverse analytical findings for the athlete.

2.6 The athlete replied in a letter dated 07<sup>th</sup> November 2019 to JADCO's Executive Director, Mrs. June Spence Jarrett, that not only would he not be challenging the proceedings being referred to the Independent Anti-Doping Disciplinary Panel regarding the adverse analytical finding for sample code 4436329 but that, inter alia, "his lack of knowledge resulted in his inadvertent course of action that violated the principles of fair play and ethics and undermined the integrity of the sport".

2.7 The IADP panel dispatched a letter dated 16<sup>th</sup> December 2019 to the athlete's home address notifying him of the hearing date to take place on Monday the 23<sup>rd</sup> day of December 2019 at 10:00am at the Jamaica Conference Centre and that although he had written to the Executive Director, Mrs. June Spence Jarrett, stating his position on the adverse analytical findings he still had the right to legal representation and a IADP hearing. The athlete, who attended the IADP hearing,

was represented at the said hearing by Attorney-at-law, Ms. Ashleigh Ximines, instructed by the firm Knight, Junor & Samuels, and she handed in written submissions on behalf of the Respondent.

2.8 The panel expresses its appreciation to the athlete's counsel for her industriousness in presenting the written submissions on behalf of the athlete which were helpful in our deliberations.

### **3. The sanctions to be imposed**

3.1 Pursuant to Article 10.5.1.1 of the JADCO rule reads " 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 years of Ineligibility, depending on the Athlete's or other Person's degree of Fault."

3.2 The athlete testified that he had the flu virus just before the competition and took the use of the substance in an attempt to recover from the exerted pressure on his body from the flu virus and sought to use natural and prescriptive remedies to assist his body's recovery.

3.3 The athlete admitted more than once his remorse at the adverse analytical finding in his A sample, that he was simply ignorant of the JADCO rules, that he never intended to gain any advantage over his fellow athletes and that he promptly admitted to the adverse analytical finding.

3.4 The IADP finds that the athlete's ignorance of the JADCO rules is incredulous given the widespread public education of the JADCO rules particularly given the envious sporting successes of Jamaica internationally across a wide cross-section of sports and the fact that the athlete uses the internet according to him by browsing Instagram<sup>1</sup>.

3.5 In any event ignorance of JADCO rules provides no excuse as the JADCO rules are strict liability based and the athlete's written submissions did acknowledge same.

3.6 The IADP took into account the athlete's prompt and candid admission of his fault, this was a first time violation, the substance the athlete took was not a performance enhancing drug and that he waived his right to an analysis of the B sample saving time, effort and costs to the taxpayers of Jamaica.

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1. Instagram is an American photo and video-sharing social networking service owned by Facebook, Inc.

#### 4. Orders-

##### The Independent Anti-Doping Panel finds as follows:-

4.1. The athlete had in his body a prohibited substance in violation of the World Anti-Doping Agency's 2019 Prohibited List.

4.2. In the circumstances of this case the athlete is ineligible for **1 year**, as per JADCO rule 10.5.1.1.1, from the time of the official notification by JADCO<sup>2</sup> to the athlete of the adverse analytical finding of his A sample.

4.3. The athlete's prize(s), point(s) and medal(s) won in the Jamaica Amateur Body Building and Fitness Association National Senior Championships (*supra* 2.1) are forfeited as per JADCO rule 10.1<sup>3</sup>

4.4. The athlete and the Jamaica Amateur Body Building and Fitness Association National Senior Championships are to share equally in reimbursing JADCO all costs incurred with the testing of the A sample bearing code number 4436329 from the in competition testing at the Jamaica Amateur Body Building and Fitness Association National Senior Championships held on 07<sup>th</sup> September 2019 within 90 days of the date of this order.

We have been informed by JADCO that the cost in testing the A sample at the WADA accredited laboratory, INRS-Institut Armand Frappier in Laval, Quebec, Canada was \$69,064.83.

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<sup>2</sup> 30<sup>th</sup> day of October 2019

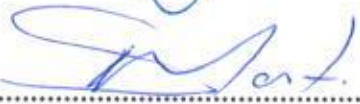
<sup>3</sup> An Anti-Doping Rule Violation occurring during or in connection with an Event may, upon the decision of the ruling body of the Event, lead to Disqualification of all of the Athlete's individual results obtained in that Event with all Consequences, including forfeiture of all medals, points and prizes, except as provided in Article 10.1.1.

4.5. The athlete is to undergo an education programme by JADCO on anti-doping in sport rules as soon as JADCO carries out same.

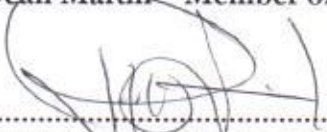
Dated this 06<sup>th</sup> day of January 2020



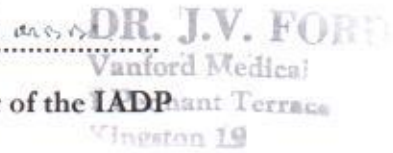
Kent P. Gammon – Chairman IADP



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