

CEO Recommendation

Show Cause Pack

ADRV:	Use of a Prohibited Substance
Substance:	Thymosin Beta-4
Athlete:	Various Essendon Football Club players during the 2012 Australian Football League (AFL) season
Date of possible ADRVs:	Between about January 2012 and September 2012
Sport:	Australian Football League
Case:	2014/352



Australian Government

Australian Sports
Anti-Doping Authority

SENSITIVE : PERSONAL

CEO Recommendation

30 May 2014

PRIVILEGED AND CONFIDENTIAL

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Player	Case No.	Substance	Date of possible ADRVs
Tom Bellchambers	2014/170	Thymosin Beta 4	Between about January 2012 and September 2012
Alex Browne	2014/307	Thymosin Beta 4	Between about January 2012 and September 2012
Jake Carlisle	2014/324	Thymosin Beta 4	Between about January 2012 and September 2012
Travis Colyer	2014/308	Thymosin Beta 4	Between about January 2012 and September 2012
Stewart Crameri	2014/167	Thymosin Beta 4	Between about January 2012 and September 2012
Alwyn Davey	2014/309	Thymosin Beta 4	Between about January 2012 and September 2012
Luke Davis	2014/310	Thymosin Beta 4	Between about January 2012 and September 2012
Cory Dell'Olio	2014/311	Thymosin Beta 4	Between about January 2012 and September 2012
Ricky Dyson	2014/312	Thymosin Beta 4	Between about January 2012 and September 2012
Dustin Fletcher	2014/313	Thymosin Beta 4	Between about January 2012 and September 2012
Scott Gumbleton	2014/314	Thymosin Beta 4	Between about January 2012 and September 2012
Kyle Hardingham	2014/282	Thymosin Beta 4	Between about January 2012 and September 2012
Dyson Heppell	2014/315	Thymosin Beta 4	Between about January 2012 and September 2012
Michael Hibberd	2014/316	Thymosin Beta 4	Between about January 2012 and September 2012
David Hille	2014/242	Thymosin Beta 4	Between about January 2012 and September 2012
Heath Hocking	2014/171	Thymosin Beta 4	Between about January 2012 and September 2012
Cale Hooker	2014/317	Thymosin Beta 4	Between about January 2012 and September 2012

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Player	Case No.	Substance	Date of possible ADRVs	
Ben Howlett	2014/318	Thymosin Beta 4	Between about January 2012 and September 2012	✓
Michael Hurley	2014/169	Thymosin Beta 4	Between about January 2012 and September 2012	✓
Leroy Jetta	2014/319	Thymosin Beta 4	Between about January 2012 and September 2012	✓
Brendan Lee	2014/322	Thymosin Beta 4	Between about January 2012 and September 2012	✓
Sam Lonergan	2014/320	Thymosin Beta 4	Between about January 2012 and September 2012	✓
Nathan Lovett-Murray	2014/325	Thymosin Beta 4	Between about January 2012 and September 2012	✓
Mark McVeigh	2014/326	Thymosin Beta 4	Between about January 2012 and September 2012	✓
Jake Melksham	2014/172	Thymosin Beta 4	Between about January 2012 and September 2012	✓
Angus Monfries	2014/327	Thymosin Beta 4	Between about January 2012 and September 2012	✓
David Myers	2014/328	Thymosin Beta 4	Between about January 2012 and September 2012	✓
Tayte Pears	2014/329	Thymosin Beta 4	Between about January 2012 and September 2012	✓
Brent Prismall	2014/330	Thymosin Beta 4	Between about January 2012 and September 2012	✓
Patrick Ryder	2014/333	Thymosin Beta 4	Between about January 2012 and September 2012	✓
Henry Slattery	2014/335	Thymosin Beta 4	Between about January 2012 and September 2012	✓
Brent Stanton	2014/334	Thymosin Beta 4	Between about January 2012 and September 2012	✓
Ariel Steinberg	2014/265	Thymosin Beta 4	Between about January 2012 and September 2012	✓
Jobe Watson	2014/168	Thymosin Beta 4	Between about January 2012 and September 2012	✓

Summary

1. The purpose of this show cause pack is to:
 - (a) provide you with evidence or information showing possible non-presence anti-doping rule violations ('**non-presence ADRVs**') committed by the abovementioned Essendon players during the 2012 AFL season; and
 - (b) allow you to make a determination that the possible non-presence ADRVs warrant action in the form of a notification by ASADA in accordance with clause 4.07A of the National Anti-Doping scheme ('**NAD Scheme**'), which is Schedule 1 to the *Australian Sports Anti-Doping Authority Regulations 2006*.
2. After considering the material in this recommendation pack you may make a positive determination and give approval for the issue of a notification to one or more Essendon players that are specified in **Appendix A** in accordance with clause 4.07A(2) – (4) of the NAD Scheme for the following possible non-presence ADRV, namely:
 - 1. The possible non-presence anti-doping rule violations listed below occurred while you were an athlete in a sport with an anti-doping policy, namely the Australian Football League, in accordance with clause 1.06(1) of the NAD Scheme established by the *Australian Sports Anti-Doping Authority Regulations 2006* (Cth).
 - 2. Use of a prohibited substance, namely Thymosin Beta 4, between about January 2012 and September 2012 contrary to clause 2.01(2)(b) of the NAD Scheme.

Background

3. This matter arises as a result of ASADA's Cobia investigation into professional sport. In conducting our investigation ASADA received information from the Australian Crime Commission ('**ACC**'). The information contained in this information pack is **highly confidential**.

4. Part of ASADA's evidence is based on text messages from s 38(1) phone, which were forwarded to ASADA by the ACC. The ACC's letter of authority to ASADA (and other relevant correspondence) regarding the use of the text messages is at **Document 1**.

s 38(1)

5. On various dates, the AFL served notices on the Essendon players requiring them to attend interviews with the AFL and with ASADA investigators. A copy of this letter for each player is at **Appendix A**.
6. Most of the Essendon players were interviewed during the months of May and June 2013 by ASADA and AFL investigators. Copies of the relevant documents are attached at **Appendix A** for each Essendon player, namely:

- a. Documents that were provided by ASADA investigators to each player and to their legal representative prior to the interview;
- b. Transcripts of interview.

Players covered by this CEO Recommendation

7. This CEO Recommendation and **Appendix A** covers those Essendon players s 38(1)

8. **Appendix A** is divided into **34** numbered parts, one for each player, arranged in alphabetical order according to surname. Each part of Appendix A contains the documents described in paragraphs 5 and 6 above, and evidence, relating to the particular player.

9. s 38(1), s 45(1) As there is no evidence to suggest otherwise, these two players are not covered in this CEO Recommendation. s 38(1), s 45(1)

10. s 38(1), s 45(1)
- They have not been included in this document pending the outcome of attempts by ASADA investigators to interview them.

Jurisdiction

11. Clause 1.06(1) of the NAD Scheme provides:

“1.06 Classes of athletes subject to the NAD Scheme

(1) The anti-doping rules apply to all persons who are involved as athletes in a sport with an anti-doping policy and such persons are subject to the NAD Scheme.

12. The Australian Football League is a sport with an anti-doping policy.
13. The AFL competition for the relevant period of the possible non-presence anti-doping rule violation (between about January 2012 and September 2012) was governed by an anti-doping policy.
14. All of the abovementioned players were registered with the AFL, and copies of their AFL Registration Forms are included in **Appendix A**. The pertinent details from the AFL players’ registration forms are summarised in the table below. Where a new form was signed during either the 2012 preseason or season proper, details of the old and new forms are included:

Essendon Players’ AFL Registration Forms

Player	Date executed by player	Date accepted by AFL
Tom Bellchambers	s 38(1), s 45(1)	s 38(1), s 45(1)
Alex Browne	s 38(1), s 45(1)	s 38(1), s 45(1)
Jake Carlisle	s 38(1), s 45(1)	s 38(1), s 45(1)
Travis Colyer	s 38(1), s 45(1)	s 38(1), s 45(1)
Stewart Crameri	s 38(1), s 45(1)	s 38(1), s 45(1)
Alwyn Davey	s 38(1), s 45(1)	s 38(1), s 45(1)
Luke Davis	s 38(1), s 45(1)	s 38(1), s 45(1)

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Player	Date executed by player	Date accepted by AFL
	§ 38(1), s 45(1)	
Cory Dell'Olio	§ 38(1), s 45(1)	
Ricky Dyson	§ 38(1), s 45(1)	
Dustin Fletcher	§ 38(1), s 45(1)	
Scott Gumbleton	§ 38(1), s 45(1)	
Kyle Hardingham	§ 38(1), s 45(1)	
Dyson Heppell	§ 38(1), s 45(1)	
Michael Hibberd	§ 38(1), s 45(1)	
David Hille	§ 38(1), s 45(1)	
Heath Hocking	§ 38(1), s 45(1)	
Cale Hooker	§ 38(1), s 45(1)	
Ben Howlett	§ 38(1), s 45(1)	
Michael Hurley	§ 38(1), s 45(1)	
Leroy Jetta	§ 38(1), s 45(1)	
Brendan Lee	§ 38(1), s 45(1)	
Sam Lonergan	§ 38(1), s 45(1)	
§ 38(1), s 45(1)	§ 38(1), s 45(1)	
Nathan Lovett-Murray	§ 38(1), s 45(1)	
Mark McVeigh	§ 38(1), s 45(1)	
Jake Melksham	§ 38(1), s 45(1)	
Angus Monfries	§ 38(1), s 45(1)	
David Myers	§ 38(1), s 45(1)	

§ 38(1), s 45(1)

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Player	Date executed by player	Date accepted by AFL
	s 38(1), s 45(1)	
Tayte Pears	s 38(1), s 45(1)	
Brent Prismall	s 38(1), s 45(1)	
s 38(1), s 45(1)	s 38(1), s 45(1)	
Patrick Ryder	s 38(1), s 45(1)	
Henry Slattery	s 38(1), s 45(1)	
Brent Stanton	s 38(1), s 45(1)	
Ariel Steinberg	s 38(1), s 45(1)	
Jobe Watson	s 38(1), s 45(1)	

15. The Essendon players are 'athletes' for the purposes of clause 1.06(1) of the NAD Scheme, because they are people who are involved as athletes (players) in a sport with an anti-doping policy. Therefore, they are subject to the NAD Scheme.

16. While it is clear that under the NAD Scheme the Essendon players are athletes, they were, at the relevant time, also contractually bound to comply with the AFL Anti-Doping Code 2010.

17. The Form 1 – Australian Football League Registration Application – Rule 2 form contains the following clause:

“1. Comply with Rules

I agree to comply with and observe:

(a) The Regulations of the AFL, Player Rules, the Memorandum and Articles of Association of the AFL and any determinations or resolutions of the AFL Commission which may be made or passed prior to or at any time after my registration (“The Rules”); and

(b) The Collective Bargaining Agreement (as defined in the Player Rules).”

18. The Regulations of the AFL (February 2011) state:

“2.2 All Matches Subject to Rules and Regulations of AFL

Every Match played during the AFL Season shall be played in accordance with the Player Rules, these Regulations, the Laws of Australian Football and any

other determinations or resolutions made from time to time by the Commission.”

19. The Laws of Australian Football 2012 ² state:

“21. Anti-doping Policy

Application

The AFL Anti-Doping Code, as varied in accordance with Law 21.2, shall apply to all persons to whom these Laws apply, unless a Controlling Body has adopted its own code or policy which has been approved by the Australian Sports Anti-Doping Authority.”

Definitions and legal principles applicable to the possible violation of Use

20. Use is an anti-doping rule violation in accordance with clause 2.01(2)(b) of the NAD Scheme. Clause 2.01(2)(b) of the NAD Scheme provides that:

“2.01 Anti-doping rules

...

(2) Athletes and support persons are responsible for knowing what constitutes an anti-doping rule violation and the substances and methods that have been included on the prohibited list. The following anti-doping rule violations constitute breaches of the anti-doping rules:

...

- (b) Use or attempted use by an athlete of a prohibited substance or a prohibited method.*

(i) It is each athlete's personal duty to ensure that no prohibited substance enters his or her body. Accordingly, it is not necessary that intent, fault, negligence or knowing use on the athlete's part be demonstrated in order to establish an anti-doping violation for use of a prohibited substance or a prohibited method.

(ii) The success or failure of the use or attempted use of a prohibited substance or method is not material. It is sufficient that the prohibited substance or prohibited method was used or attempted to be used for an anti-doping rule violation to be committed.”

21. Use is defined in clause 1.05 of the NAD Scheme as:

“use means the utilisation, application, ingestion, injection or consumption by any means of a prohibited substance or a prohibited method.”

² This was the iteration of the Laws of Australian Football In force at the time of the alleged violations.

22. In use anti-doping rule violations, it is not necessary to prove any intent, fault, negligence or knowing use on the athlete's part. Further, it does not need to be established that the athlete knew that the substance was a prohibited substance. Rather, it is sufficient to show that the substance was prohibited pursuant to the relevant Prohibited List.
23. The anti-doping rule violation needs to be established to the comfortable satisfaction of the anti-doping tribunal.³ In *USADA v Tim Montgomery*⁴ the Court of Arbitration for Sport defined this test as follows:
- "[i]n all cases the degree of probability must be commensurate with and proportionate to those allegations; the more serious the allegation the higher the degree of probability, or "comfort", required. That is because, in general, the more serious the allegation the less likely it is that the alleged event occurred and, hence, the stronger the evidence required before the occurrence of the event is demonstrated to be more probable than not."*⁵
24. Pursuant to article 3.2 of the *World Anti-Doping Code 2009*, "facts related to anti-doping rule violations may be established by any reliable means, including admissions."⁶ As explained by the comment to article 3.2 of the *World Anti-Doping Code 2009*:
- "[f]or example, an Anti-Doping Organization may establish an anti-doping rule violation under Article 2.2 (Use or Attempted Use of a Prohibited Substance or Prohibited Method) based on the Athlete's admissions, the credible testimony of third Persons, reliable documentary evidence, reliable analytical data from either an A or B Sample as provided in the Comments to Article 2.2 or conclusions drawn from the profile of a series of the Athlete's blood or urine Samples."*⁷
25. *USADA v Tim Montgomery*⁸ involved the use of non-analytical positive evidence to substantiate a use anti-doping rule violation. In assessing the evidence, the arbitral panel stated that:

³ Australian Football League Anti-Doping Code 2010, article 15.1.

⁴ CAS 2004/O/645

⁵ *USADA v Tim Montgomery* CAS 2004/O/645, page 13.

⁶ World Anti-Doping Code 2009, article 3.2.

⁷ *World Anti-Doping Code 2009*, comment to article 3.2.

⁸ CAS 2004/O/645.

"[t]he Panel has wrestled with the question whether, in the circumstances, it should address in this Award each element of USADA's case against Mr Montgomery, including each of what USADA calls its "7 types of evidence" of doping by the Athlete. On balance, the Panel has determined not to do so for the simple reason that it is unnecessary. This is because the Panel is unanimously of the view that Mr. Montgomery in fact admitted his use of prohibited substances to Ms. White, as discussed in more detail below, on which basis alone the Panel can and does find him guilty of a doping offence. The fact that the Panel does not consider it necessary in the circumstances to analyse and comment on the mass of other evidence against the Athlete, however, is not to be taken as an indication that it considers that such other evidence could not demonstrate that the Respondent is guilty of doping. Doping offences can be proved by a variety of means; and this is nowhere more true than in "non-analytical positive" cases such as the present" (author's emphasis).

26. In relation to using admissions to substantiate a use anti-doping rule violation, admitting to using a product which is labelled as containing a prohibited substance is, on its own, not enough to substantiate an anti-doping rule violation. As noted in *Mark French v Australian Sports Commission and Cycling Australia*:

"[t]he Panel finds that an admission to the use of Testicomp does not amount to an admission that there has been use of a prohibited substance unless the product used is shown by chemical analysis to contain that which it purports to contain by its product leaflet. The contents itself must be proved to have contained the prohibited substance that was not proved. An admission of use of Testicomp does not factually prove the fact of what it is that has been used and that it contains the substance stated on the label. It is at best hearsay evidence. Although the Panel is not bound by the rules of evidence, having regard to the seriousness of the allegation and the consequences that would follow upon a finding of doping, we find we should not act on the admission alone. As indicated above in the statements filed by Trout and Prof. Latiff, the only evidence before this Panel is that the product Testicomp is negative for the presence of a prohibited substance. Therefore, it is found that it is not established to the necessary degree of satisfaction that the product Testicomp did in fact contain a prohibited substance or that French used a prohibited substance by using Testicomp."

27. In this regard, *Mark French v Australian Sports Commission and Cycling Australia* affirmed the decision of *Australian Olympic Committee and Cycling Australia v Sean Eadie*. *Australian Olympic Committee and Cycling Australia v Sean Eadie* involved an alleged trafficking anti-doping violation for anterior pituitary peptides. The Court of Arbitration for Sport found that:

"[t]he plinth upon which the case against Mr Eadie rests is the assumption that, the Court should conclude that the untested and unanalysed tablets in fact contained APP. Upon the assumption that they did I have been asked to distil from the evidence a conclusion that Mr Eadie was responsible for their importation and in this regard to view his evidence as being in effect inconsistent with innocence. However I am also bound to have regard to the circumstance that I could see no reason why I should not accept that when giving evidence Mr Eadie was not shown to have been untruthful.

*My conclusion is that on the standard of proof identified in *Briginshaw v Briginshaw* (1938) 60 CLR 336 and as explained in *Neat Holdings* I am not satisfied that in January 1999 Mr Eadie imported a prohibited substance into Australia."*

28. The case against the Essendon players can be distinguished from *Mark French v Australian Sports Commission and Cycling Australia* and *Australian Olympic Committee and Cycling Australia v Sean Eadie*, in that Thymosin was not merely a component of Thymosin, it was the sole component. Further, as established by *USADA v Tim Montgomery*, non-analytical positive anti-doping rule violations can be established by a variety of means. Therefore, although ASADA is not in possession of scientific analysis definitively stating that the Thymosin was in fact Thymosin Beta 4, this does not preclude the anti-doping rule violation being established through other means, for example, admissions by the athlete and the support person, and third party evidence and documentation.

The Prohibited Substance involved in the possible violations

29. This information pack contains reference to Thymosin Beta 4, which is a prohibited substance in accordance with the WADA Prohibited List 2012 (Document 2). Thymosin Beta 4 is a substance that is considered as a growth factor that promotes vascularisation and regenerative capacity in muscles. It is therefore prohibited under the wording of category S2.5 of the WADA Prohibited List 2012.

30. Professor David Handelsman is a Professor of Reproductive Endocrinology and Andrology at the ANZAC Research Institute. Professor Handelsman is also a member of the ASADA Advisory Group. Professor Handelsman prepared an expert report for the AFL (and for ASADA's use), that, amongst other things, examines many of the substances relevant to the Operation Cobia investigation and their status in sport (Document 3).
31. Professor Handelsman's report explains in full how Thymosin Beta 4 (and other peptide substances such as Hexarelin, CJC-1295 and GHRP6) are prohibited in category S2 of the WADA Prohibited List (and category S0 in the alternative as the substances are not approved for human use).
32. WADA has also provided advice about substances that it considers are prohibited on the WADA Prohibited List. WADA's advice confirms that Thymosin Beta 4 is a prohibited substance under category S2 of the Prohibited List.

Possible violation of Use of a Prohibited Substance (clause 2.10(2)(b)), namely Thymosin Beta 4, between about January 2012 to September 2012

33. This violation involves the following elements:

- (a) Use;
- (b) By an athlete;
- (c) Of a prohibited substance.

Background

34. Amongst the anti-doping violations alleged against Mr Dank, it is alleged that Mr Dank administered Thymosin Beta 4 to Essendon players on multiple occasions.
35. As a consequence, it is alleged that the Essendon players used Thymosin Beta 4 on one or more occasions. Therefore the surrounding circumstances of Mr Dank's administration, attempted administration and assisting, encouraging, aiding, abetting, covering up and or other type of complicity anti-doping rule violations in relation to Thymosin Beta 4 are relevant to potential anti-doping rule violations by Essendon players for the use of Thymosin Beta 4.
36. s 38(1) [REDACTED]
[REDACTED]
[REDACTED]

37. s 38(1), s 45(1)
 [Redacted]
 [Redacted]
 [Redacted]
 [Redacted]

38. s 38(1)
 [Redacted]
 [Redacted]

s 38(1)
 [Redacted]

From	To	Message	Date	Time
Dank	Robinson	Don't forget how important Thymosin is. This is going to be our vital cornerstone next year. It is the ultimate assembly regulatory protein and biological modifier.	23/08/2011	s 38(1) [Redacted] [Redacted] [Redacted] [Redacted]

From	To	Message	Date	Time
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9 s 38(1), s 45(1)
 [Redacted]
 [Redacted]

10 s 38(1)
 [Redacted]
 [Redacted]

s 38(1)



s 38(1)



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From	To	Message	Date	Time
Dank	Robinson	GPLC and Thymosins are just peptides. No worries there.	04/10/2011	s 38(1) [REDACTED] [REDACTED] [REDACTED]
Robinson	Dank	Can we just call them amino acids? Or something of the kind?	04/10/2011	s 38(1) [REDACTED] [REDACTED] [REDACTED]
Dank	Robinson	Yes. That is all they are. An amino acid blend.	04/10/2011	s 38(1) [REDACTED] [REDACTED] [REDACTED]
s 38(1) [REDACTED]				
Dank	Robinson	No leave peptides out.	05/10/2011	s 38(1) [REDACTED] [REDACTED] [REDACTED]

39. There are several types of Thymosin. The main two types of Thymosin are Thymosin alpha and Thymosin Beta 4. ASADA has obtained advice from WADA that Thymosin alpha is not a prohibited substance. Thymosin Beta 4 is a prohibited substance due to its regenerative capacity (see Professor Handelsman's report). It is critical in this case to demonstrate that players used Thymosin Beta 4 and not Thymosin Alpha.

Concerns and the establishment of supplementation protocols

40. s 38(1), s 45(1) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

41. s 38(1), s 45(1) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

42. By 13 January 2012 it was apparent within Essendon that players were being given substances with the knowledge or approval of Doctor Reid.

43. s 38(1), s 45(1) [REDACTED]
[REDACTED]

44. s 38(1), s 45(1) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

45. s 38(1), s 45(1) [REDACTED]

¹¹ s 38(1), s 45(1) [REDACTED]
¹² s 38(1), s 45(1) [REDACTED]
¹³ s 38(1), s 45(1) [REDACTED]
¹⁴ s 38(1), s 45(1) [REDACTED]
[REDACTED]
s [REDACTED]

s 38(1), s 45(1)

- s 38(1), s 45(1)

- s 38(1), s 45(1)

46. s 38(1), s 45(1) that at the end of the meeting Mr Robinson was tasked to re-affirm the supplementation protocols and that this was ultimately reflected by Mr Robinson's 15 January 2012 email, in which he articulated the new protocols to be followed prior to the administration of player supplementation.

47. The protocols were clear and required Mr Dank to provide all relevant information in respect of the supplement to Doctor Reid and also confirm via statement that the supplement does not contravene the World Anti-Doping Code.

48. According to the protocols, Doctor Reid would make a recommendation to the 'Head Coach [Mr Hird], High Performance Coach [Dean Robinson] and Steve Dank' regarding the suitability of a supplement for use by the players. If the supplement was recommended, a letter of 'informed consent [would] be produced and given to the player to sign prior to the first administration of the supplement.'

49. s 38(1), s 45(1)

50. Mr Hird then confirmed his agreement to Mr Robinson's proposal via email.

Player Leadership Group meeting

51. Concerns were formally raised by players during a 'Leadership Group Meeting' on 16 January 2012. According to the minutes, the meeting was attended by Mr Hird, s 38(1), s 45(1) Jobe Watson, s 38(1), s 45(1), Mark McVeigh and s 38(1), s 45(1)

52. s 38(1), s 45(1)

s 38(1), s 45(1)

53. s 38(1), s 45(1)

s 38(1), s 45(1)

s 38(1), s 45(1)

s 38(1), s 45(1)

s 38(1), s 45(1)

54. s 38(1), s 45(1)

55. s 38(1), s 45(1)

56. s 38(1), s 45(1)

57. s 38(1), s 45(1)

18 s 38(1), s 45(1)

19

20

21

22

23

24

s 38(1), s 45(1)

The auditorium meeting

58. On 8 February 2012, players attended a meeting at the Club Auditorium. The meeting was addressed by Mr Dank and Mr Robinson and related to the new supplement protocols proposed by Mr Robinson s 38(1), s 45(1)
59. After the meeting, the vast majority of players signed 'Patient Information/Informed Consent' forms which were counter-signed (in their absence) by Mr Dank. The date range for the signing of the forms was from Wednesday 8 February 2012 to Monday 13 February 2012. However, most forms are dated Friday 10 February 2012.
60. Mr Dank has claimed through the media that players were, at all times, fully informed of what they were to be administered - particularly in the early stages where he would 'get [the player] to reaffirm what they were taking and what they were doing'.
61. s 38(1), s 45(1)
62. s 45(1), s 38(1)
63. s 38(1), s 45(1)
- Mr Dank and Mr Robinson addressed the meeting:
 - s 38(1), s 45(1)
 - s 38(1), s 45(1)

- the players were provided with the 'informed consent' forms during the meeting, and the majority signed the forms at the time based on the information communicated during the meeting;

• s 38(1), s 45(1)

64. s 38(1), s 45(1)

65. s 38(1), s 45(1)

. The players consented to the administration of four substances: Tribulus, Colostrum, AOD-9604 and Thymosin²⁶. The AOD-9604 and Thymosin were expressed to be administered by injection.

66. Thirty eight players signed forms giving consent for the administration of "Thymosin", and these forms are at **Appendix A**. All of the forms were signed on or about 10 February 2012.

²⁵ s 38(1), s 45(1)

²⁶ Tribulus is permitted for use in sport. Colostrum is permitted for use in sport also, although the World Anti-Doping Agency has warned that it may have the effect of raising levels of Insulin Growth Factor -1 to such an extent that it may lead to impermissibly high Growth Hormone levels.

67. The Table below sets out details of players (including players not covered by this CEO Recommendation) who signed forms, and in respect of which substances:

Summary – Essendon player consent forms

Player	Tribulus	Colostrum	AOD-9604	Thymosin
s 38(1)	s 38(1)			
Tom				
Bellchambers				
Alex Browne				
Jake Carlisle				
Travis Colyer				
Stewart				
Crameri				
s 38(1)				
Alwyn Davey				
Luke Davis				
Cory Dell'Olio				
s 38(1)				
Ricky Dyson				
Dustin Fletcher				
Scott				
Gumbleton				
Kyle				
Hardingham				
Dyson Heppell				
Michael				
Hibberd				
David Hille				
Heath Hocking				
Cale Hooker				
Ben Howlett				
s 38(1)				
Michael Hurley				
Leroy Jetta				

Player	Tribulus	Colostrum	AOD-9604	Thymosin
s 38(1)	s 38(1)			
Brendan Lee				
Sam Lonergan				
s 38(1)				
Nathan Lovett-Murray				
Mark McVeigh				
Jake Melksham				
s 38(1)				
Angus Monfries				
David Myers				
s 38(1)				
Tayte Pears				
Brent Prismall				
Kyle Reimers				
Michael Ross				
Patrick Ryder				
Henry Slattery				
Brent Stanton				
Ariel Steinberg				
Jobe Watson				
s 38(1)				
s 38(1)				

²⁷ s 38(1), s 45(1)

68. s 38(1), s 45(1) [REDACTED]
[REDACTED] 011. [REDACTED] d so [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

69. The forms in relation to Thymosin stated:

s 45(1), s 38(1) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

Nature of the Recommended Intervention: Thymosin Injection -.5ml – 3000 mg per ml.

The recommendation for the following intervention for you:

1 Thymosin injection once a week for six weeks and then 1 injection per month.

s 45(1), s 38(1) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

The intervention is recommended because enhance (sic) the rate of recovery. The benefits of this treatment are an expected reduction in the time required for performance recovery. s 45(1), s 38(1)

s 45(1), s 38(1) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

70. The 'Patient Information/ Informed Consent Form' then asserts that the proposed treatment is WADA compliant:

"WADA Compliant Anti-Doping Policy"

All components of the intervention/s are in compliance with current WADA anti-doping policy and guidelines (see appendix for documentation to this effect) as of 1st January 2012."

71. ASADA has not located any appendix that outlines the WADA compliance status of the proposed substance, namely Thymosin.

72. s 38(1), s 45(1)

73. s 38(1), s 45(1)

74. **s 45(1), s 38(1)**

75. After the Essendon players executed the 'Patient Information/ Informed Consent' forms, Mr Dank had the following text message exchange with Mr Hird:

From	To	Message	Date	Time
s 38(1)				
Dank	Hird	I.V. start next week. And Thymosin with Ubiquinone. We will start to see some real effects.	09/03/2012	s 38(1)

76. ASADA's investigation has established that players received injections and other 'treatments' from November 2011 until the end of the 2012 season. s 38(1), s 45(1)

Presence of vials in Mr Dank's office at the Essendon Football Club

77. During their interviews, a number of Essendon players talked about seeing vials in the fridge in Mr Dank's office. The clearest description of this comes from the interview of

s 38(1), s 45(1)

s 38(1), s
45(1)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

s 38(1), s
45(1)

78. Other players reported seeing amber vials in Mr Dank's fridge and office. s 38(1), s
45(1)

Did players receive injections of Thymosin?

79. Essendon players have provided evidence that they recall Mr Dank administering them
with Thymosin. There are six players who have a specific recollection of Thymosin
injections s 38(1), s 45(1) The most
specific recollection as to the administration of Thymosin comes from s 38(1), s 45(1)

s 38(1), s 45(1)

²⁸ s 38(1), s 45(1)

²⁹ s 38(1), s 45(1)

80.

s 38(1), s 45(1)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

³⁰

s 38(1), s 45(1)

³¹

s 38(1), s 45(1)

s 38(1), s 45(1)

[REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[illegible]

s 38(1), s 45(1)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

s 38(1), s 45(1)

81. Relevant extracts from the interviews of other players are at the part of **Appendix A** pertaining to the particular player.
82. There is also evidence of text message exchanges between Mr Dank and two Essendon players, Jake Melksham and Kyle Hardingham, in which it is clear that the topic of discussion is Thymosin injections³³:

From	To	Message	Date	Time
Melksham	Dank	Do I need to have a drip? Haven't had one this week.	20/04/2012	s 38(1) [REDACTED] [REDACTED] [REDACTED]
Dank	Melksham	No. Did I inject you this week?	20/04/2012	s 38(1) [REDACTED] [REDACTED] [REDACTED]

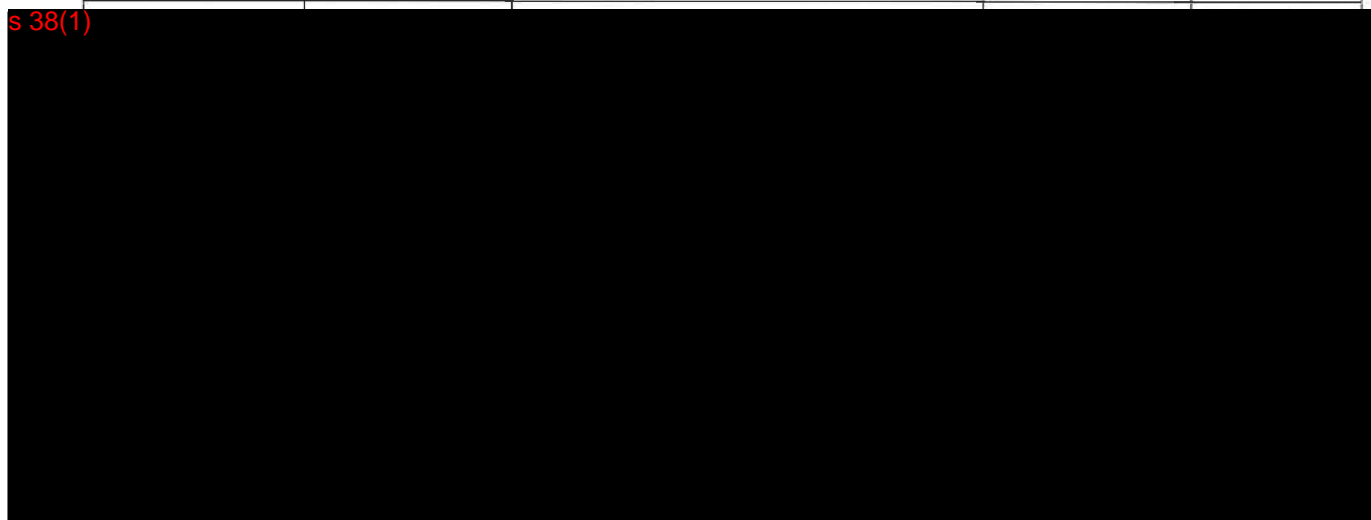
³² s 38(1), s 45(1)

³³ s 38(1)

SENSITIVE : PERSONAL

From	To	Message	Date	Time
Melksham	Dank	Two thymo's	20/04/2012	s 38(1) [REDACTED] [REDACTED] [REDACTED]

s 38(1)



And:

From	To	Message	Date	Time
Dank	Hardingham	You forgot your Thymosin.	19/07/2012	s 38(1) [REDACTED] [REDACTED] [REDACTED]
Hardingham	Dank	Na I came in an got one with Dyso	19/07/2012	s 38(1) [REDACTED] [REDACTED] [REDACTED]
Dank	Hardingham	Sorry mate. I hadn't marked you off. My mistake.	19/07/2012	s 38(1) [REDACTED] [REDACTED] [REDACTED]

83.

s 38(1), s 45(1)

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

84.

s 38(1), s 45(1)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]

[REDACTED] [REDACTED]
[REDACTED]
[REDACTED] [REDACTED]

[REDACTED] [REDACTED]
[REDACTED]

[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED]

[REDACTED] [REDACTED]
[REDACTED]
[REDACTED] [REDACTED]
[REDACTED]

s 38(1), s 45(1)

[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

85. Based on the evidence provided directly by Essendon players and the text message exchanges between Mr Dank and players, it is likely that Stephen Dank administered a substance called "Thymosin" to Essendon players.

86. It is critical in this case to establish which type of Thymosin Essendon players used. In that context, the following detail is relevant:

- Mr Dank's relationship with Mr Charter;
- Mr Charter's supplying Thymosin Beta 4 to Mr Dank;
- Mr Alavi-Moghadam's involvement in compounding the Thymosin Beta 4;
- The invoices the Essendon Football Club received from Como Compounding Pharmacy noting the receipt of 'Peptide Thymosin';
- s 38(1) [REDACTED]
[REDACTED]

- The back-dated approval purportedly signed by Mr Alavi-Moghadam; and
- The remaining evidence in relation to Thymosin Beta 4.

Supply of peptides to the Essendon Football Club

Background

87. [REDACTED] s 38(1), s 45(1) [REDACTED] s 38(1), s 45(1)
[REDACTED] s 38(1), s 45(1)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]⁵ Mr Charter was the owner and operator of an anti-aging and supplementation business known as 'Doctor Ageless'.³⁶
88. Through his Doctor Ageless business Mr Charter commenced a relationship with Mr Nima Alavi in mid to late 2011. Mr Alavi is a compounding pharmacist at 'Como Compounding Pharmacy'. [REDACTED] s 38(1), s 45(1)
[REDACTED]
[REDACTED]

Mr Charter's relationship with Mr Dank

89. [REDACTED] s 38(1), s 45(1)
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

³⁴ [REDACTED] s 38(1), s 45(1)
³⁵ [REDACTED]
³⁶ [REDACTED]
³⁷ [REDACTED]
³⁸ [REDACTED]

s 38(1), s 45(1)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

90. s 38(1), s 45(1)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

91. s 38(1), s 45(1)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The first supply of substances from Mr Charter to Mr Dank

s 38(1)

[REDACTED]

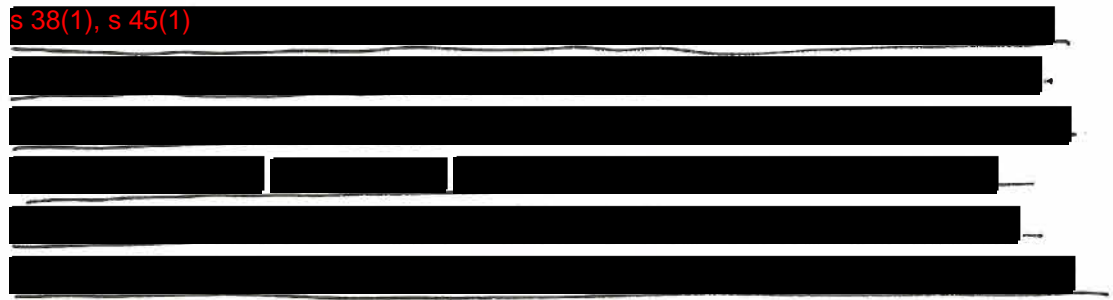
39 s 38(1)

s 38(1)



93.

s 38(1), s 45(1)

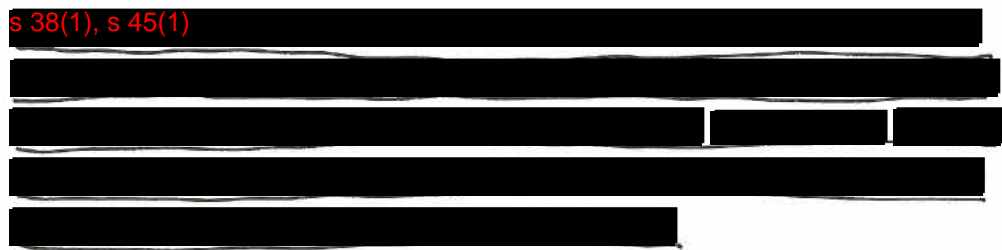


s 38(1)



94.

s 38(1), s 45(1)



s 38(1)



95. s 38(1), s 45(1) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]

96. s 38(1) [REDACTED]
[REDACTED]
[REDACTED]

Mr Dank's first order of peptides from Mr Charter

97. s 38(1) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

98. s 38(1) [REDACTED]
[REDACTED]
[REDACTED]

99. s 38(1) [REDACTED]

100. s 38(1) [REDACTED]
[REDACTED]
[REDACTED]

⁴⁰ s 38(1), s 45(1) [REDACTED]

⁴¹ s 38(1), s 45(1) [REDACTED]⁴

⁴² s 38(1), s 45(1) [REDACTED]

s 38(1) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

101. s 38(1) [REDACTED]
[REDACTED]

[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]

102. s 38(1) [REDACTED]
[REDACTED]
[REDACTED]

103. s 38(1) [REDACTED]
[REDACTED]

[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]

104. s 38(1) [REDACTED]
[REDACTED]
[REDACTED]

Mr Dank's second order of peptides from Mr Charter

105. s 38(1) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

106. s 38(1) [REDACTED]
[REDACTED]

43 s 38(1) [REDACTED]
44 [REDACTED] [REDACTED] [REDACTED]
45 [REDACTED] [REDACTED] [REDACTED]

s 38(1) [REDACTED]
[REDACTED]

107. s 38(1) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

108. s 38(1) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

109. s 38(1) [REDACTED]
[REDACTED]. Mr Charter has stated that orders were made verbally between himself and Mr Dank⁴⁷. Mr Charter has provided evidence that after the original order was placed Mr Dank required a further substance to be added (Hexarelin).

110. s 38(1) [REDACTED]
[REDACTED] s 38(1) [REDACTED]

s 38(1) [REDACTED]

111. s 38(1) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

⁴⁶ s 38(1) [REDACTED]

⁴⁷ s 38(1) [REDACTED]

112. s 38(1) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

113. s 38(1) [REDACTED]
[REDACTED]

s 38(1) [REDACTED]

114. s 38(1) [REDACTED]
[REDACTED]

115. s 38(1) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

116. s 38(1) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

⁴⁸ s 38(1) [REDACTED]

s 38(1)



117. s 38(1)




s 38(1)



118. s 38(1)




s 38(1)



s 38(1)

[REDACTED]

119. s 38(1)

[REDACTED]

s 38(1)

[REDACTED]

120. s 38(1)

[REDACTED]

From	To	Message	Date	Time
Charter	Dank	Which peptide do u need next ?	11/01/2012	1:17:04 AM (UTC) 12:17:04 PM (AEDT)
Dank	Charter	Thymosin beta-4. Then CJC-1295.	11/01/2012	1:41:03 AM (UTC) 12:41:03 PM (AEDT)

SENSITIVE : PERSONAL

From	To	Message	Date	Time
Charter	Dank	Quantities?	11/01/2012	1:40:34 AM (UTC) 12:40:34 PM (AEDT)
Charter	Alavi	Thymosin beta-4. Then CJC-1295. s 38(1)	11/01/2012	6:35:16 AM (UTC) 5:35:16 PM (AEDT)
Dank	Charter	Hi mate. Thymosin - 20 x 5 ml vial.	12/01/2012	10:14:31 AM (UTC) 9:14:31 PM (AEDT)
Charter	Alavi	Hi mate. Thymosin - 20 x 5 ml vial. Steves request	12/01/2012	10:19:49 AM (UTC) 9:19:49 PM (AEDT)

121. On 15 January 2012, Mr Charter enquires from Mr Alavi when Mr Dank's order will be ready:

From	To	Message	Date	Time
Charter	Alavi	Hi mate. Thymosin - 20 x 5 ml vial. Steves request Do u know when it will be ready?	15/01/2012	8:13:38 AM (UTC) 7:13:38 PM (AEDT)
Alavi	Charter	Should be ready today sometime	15/01/2012 16/01/2012	9:58:04 PM (UTC) 8:58:04 AM (AEDT)
Alavi	Charter	Got a few problems with the thymosin formulation. Not dissolving very well also, I'm sending you a trial which may be of interest	16/01/2012	5:51:17 AM (UTC) 4:51:17 PM (AEDT)
Charter	Alavi	Contacted manufacturer to get some ideas Try the CJC that is the next one he needs	16/01/2012 17/01/2012	11:39:19 PM (UTC) 10:39:19 AM

s 38(1)

s 38(1)

122. Another critical piece of evidence demonstrating that the 'Thymosin' that Mr Dank used at the Essendon Football club on players was Thymosin Beta 4 is an e-mail communication sent to both Mr Dank and Mr Alavi from Mr Charter. The e-mail was sent on 12 January 2012 (Document 12) and is titled "Thymosin Beta 4".
123. The e-mail contains information on 'How to use TB-500 (Thymosin Beta 4)'. The document described the optimum means by which to prepare, administer and store Thymosin Beta-4. Within the body of the accompanying email Mr Charter asked Mr Dank to check the document to ensure his concurrence with the protocols suggested 'so we can make [the Thymosin Beta-4] up accordingly'. The document contained the statement that it was 'For research purposes only'. The document states that Thymosin Beta 4 should be administered via a subcutaneous injection. The frequency of injections is listed as 1 injection per week for 6 weeks and then 1 per month. It is important to note that the Player Consent Forms referred to earlier in this pack that were provided to Essendon players contained an intervention of "1 Thymosin injection once a week for six weeks and then 1 injection per month".

Nima Alavi-Moghadam

124. Mr Alavi is the owner of the Como Compounding Pharmacy s 38(1)

125. An issue for ASADA will be the question of where Mr Dank sourced his products. **5**

38(1)

[REDACTED]

[REDACTED]

[REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

[REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

s 38(1) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] "50.

126. s 38(1) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

127. s 38(1) [REDACTED]
[REDACTED]

s 38(1) [REDACTED]

s 38(1)

[REDACTED]

128. s 38(1)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED]

SENSITIVE : PERSONAL

s 38(1)

s 38(1)

s 38(1)

[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]
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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

s 38(1)

[REDACTED]

[REDACTED]

[REDACTED]

114

[REDACTED]

[REDACTED]

51

51

The testing of products and Essendon invoice credits

129. s 38(1)

[illegible]

- s 38(1)
- s 38(1)

130. s 38(1)

s 38(1)

51 s 38(1)

s 38(1) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
52

131. s 38(1) [REDACTED]
[REDACTED]

132. s 38(1) [REDACTED]
[REDACTED] [REDACTED] [REDACTED]

s 38(1) [REDACTED]	s 38(1) [REDACTED]
s 38(1) [REDACTED]	s 38(1) [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

s 38(1) [REDACTED] [REDACTED]	s 38(1) [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
----------------------------------	------------------------------------------------------------------------------------------

s 38(1)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] "53

133.

s 38(1)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

53 s 38(1)

s 38(1)

15 JULY 2004

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

54

134.

s 38(1)

135.

s 38(1)

However, on a subsequent invoice dated 29 February 2012, both

54

s 38(1)

the Hexarelin and 'Peptide Thymosin' costs were re-credited to the Club s 38(1)

[REDACTED]

136. s 38(1), s 45(1)

[REDACTED]

137. s 38(1), s 45(1)

[REDACTED]

138. s 38(1)

[REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED] [REDACTED]
- [REDACTED]

⁵⁵ s 38(1), s 45(1)

s 38(1) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

139. s [REDACTED]

s 38(1) [REDACTED]
[REDACTED]
[REDACTED]

140. s 38(1) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

141. s 38(1) [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

s 38(1)

142. s 38(1)

s 38(1)

143. Mimotopes is a company whose core business is the ‘synthesis [of] research-grade peptides for the [Research and Development] community’⁵⁶. ASADA has established that sometime around 28 March 2012, Mr Dank provided Amino Acid samples to Mimotopes.

144. s 38(1)

s 38(1)

56

56 s 38(1)
57

57 s 38(1)

58 S 38(1)

s 38(1)

145. s 38(1)

146. s 38(1)

147. s 38(1)

. In addition to the document above, Mr Alavi provided ASADA with an email exchange between himself and Eagle Analytical Services that occurred between 20 January 2012 and 17 February 2012:

"From: s 38(1)]

Sent: Tuesday, 24 January 2012 s 38(1)

To: s 38(1)

s 38(1)

59 s 38(1)
60 s 38(1)
61 EP1.001.001.2933.

62 EP1.001.001.2932.

63 s 38(1)

64 s 38(1)

65 EP1.001001.2932 and EP1.001001.2933.

66 s 38(1)

s 38(1)

[REDACTED]

are? s 38(1) [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]

s 38(1)

[REDACTED]

[REDACTED]

[REDACTED]

[illegible]

s 38(1) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

149. s 38(1) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] ASADA has
produced a version of the link from the website on 5 February 2012 (the day before s 38(1)
[REDACTED] email) using the way back machine internet tool. The website clearly refers to (1)
Thymosin Beta 4 (Document 18) s 38(1), s 45(1) [REDACTED]
[REDACTED]
[REDACTED]

150. ASADA is also in possession of a 'Peptide Manual' that has seemingly been produced
by Mr Alavi and outlines the peptide substances that he manufactures. s 38(1) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

151. s 38(1), s 45(1) [REDACTED]
[REDACTED]
[REDACTED]
152. s 38(1) [REDACTED], the contemporaneous evidence is clear.
There are numerous references to Thymosin Beta 4 in the material gathered by ASADA
and it is probable that Mr Alavi only manufactured and provided Thymosin Beta 4.
Notably, there are no references to any other type of Thymosin, such as Thymosin
alpha in any of the material obtained by ASADA and/or the AFL in the investigation into
activities at Essendon.

s 38(1) [REDACTED]

153. s 38(1) [REDACTED] s 38(1) [REDACTED]
[REDACTED] s 38(1) [REDACTED]
[REDACTED] s 38(1) [REDACTED]
[REDACTED]
154. s 38(1) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

155. s 38(1) [REDACTED]
[REDACTED]
[REDACTED] s 38(1) [REDACTED]
[REDACTED]

156. s 38(1) [REDACTED]
[REDACTED]

A backdated 'approval form' from Mr Alavi

157. ASADA is in possession of a document dated 27 February 2012 which attests to the
'fact' that 'the product Thymomodulin (Thymosin) is compounded at the premises [of
Como Compounding Pharmacy] in [a] sterile laboratory [and that it] does not contain
any banned substances in accordance with the WADA code' (**Document 21**). The

⁶⁷ s 38(1), s 45(1) [REDACTED]

document was purportedly signed by Mr Nima Alavi on 27 February 2012. It is important to note that the product Thymomodulin is a separate product to Thymosin Beta 4.

158. s 38(1) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

159. s 38(1) [REDACTED]
[REDACTED]

[REDACTED]	[REDACTED]
	[REDACTED]

[REDACTED]	[REDACTED]
	[REDACTED]
	[REDACTED]
	[REDACTED]

[REDACTED]	[REDACTED]
------------	------------

[REDACTED]	[REDACTED]
------------	------------

[REDACTED]	[REDACTED]
------------	------------

[REDACTED]	[REDACTED]
------------	------------

[REDACTED]	[REDACTED] [REDACTED]
	[REDACTED]

[REDACTED]	[REDACTED]
	[REDACTED]
	[REDACTED]
	[REDACTED]
	[REDACTED]
	[REDACTED]
	[REDACTED]

68

s 38(1) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

s 38(1)

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]
[REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]
[REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]
[REDACTED]

s 38(1)

s 38(1)

██████████

[REDACTED]

[REDACTED]

██████████

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

★★★★★

██████████

[REDACTED]

.....

██████████

[REDACTED]

[REDACTED]

██████████

s 38(1)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

s 38(1)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

s 38(1)

[REDACTED]

114

██████████

114

[REDACTED]

██████████

[REDACTED]

██████████

[REDACTED]

██████████

[REDACTED]

114

[REDACTED]

114

_____ail with an

Harter's

[REDACTED]

SENSITIVE : PERSONAL

s 38(1)

[REDACTED]

██████████

[REDACTED]

[REDACTED]

████████████████████

[REDACTED]

[REDACTED]

● ● ●

[REDACTED]

10/10/2016

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[REDACTED]

[REDACTED]

████████████████████

[REDACTED]

114

[REDACTED]

[REDACTED]

two - there's two

s 38(1)

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

s 38(1)

.... [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

160. s 38(1)

s 38(1)

161. s 38(1)

t Thymosin Beta 4 was a banned

Other evidence relating to Thymosin Beta 4

162. ASADA has not uncovered any document or text message that links the substance Thymosin to 'Thymosin Alpha' (the non-prohibited type of Thymosin). There are however references between Mr Dank and other people to 'Thymosin Beta 4' in their communications.

163. s 38(1)

s 38(1)

s 38(1)



164. s 38(1)



s 38(1)



165. On 27 November 2013, ASADA performed an internet search for the medivet internet page. Significantly, the only type of Thymosin advertised on the site is TB500 (Thymosin Beta 4) (Document 22).

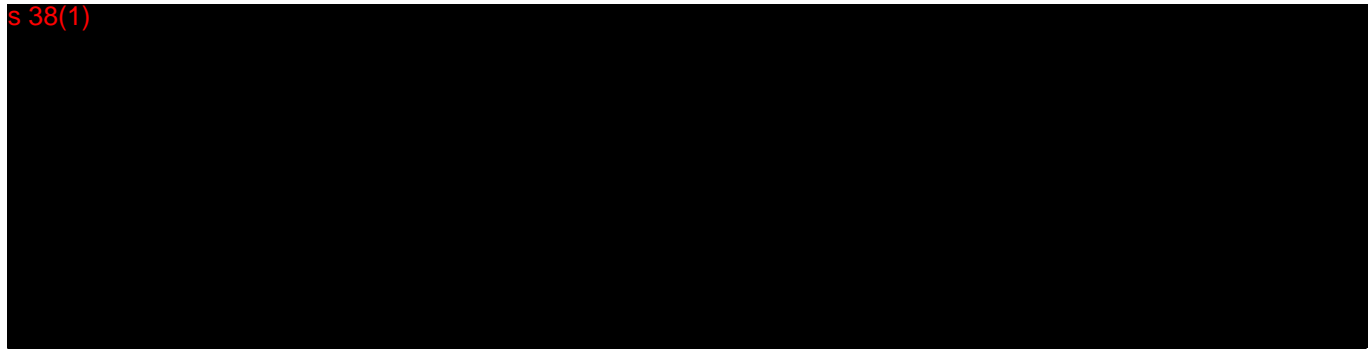
166. s 38(1)




s 38(1)



s 38(1)



167. s 38(1)
The article was published on the Cycling News website at 17:36
hours on 24 May 2012 (**Document 23**).

168. s 38(1)
The article was published on the Cycling News website at 17:36
hours on 24 May 2012 (**Document 23**).

s 38(1) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

169. The administration of Thymosin Beta 4 at Essendon Football Club is given further credence by Mr Dank's apparent admission to Fairfax journalists about his use of

⁷⁰ s 38(1) [REDACTED]
⁷¹ [REDACTED]

Thymosin Beta 4. Those admissions were recounted in *The Age* on 5 July 2013 in an article titled 'Drug suspicions over Essendon grow':

"... In April, Mr Dank told Fairfax Media in an interview that **Thymosin beta 4** had been part of his program at Essendon. However, when informed of the club's denial, he said he could not recall which type he had given players. ..."
(Document 24).

170. ASADA has performed a search of Mr Dank's business website MRC peptides. On 4 February 2013 the MRC website did not list Thymosin or Thymosin Beta 4 for sale. ASADA performed a further search of the MRC website on 27 November 2013 (Document 25). The MRC website lists 'Thymosin' for sale. When the mouse pointer scrolls over the 'Thymosin' tab a box titled 'Thymosin B4' appears (see page 3 of Document 25). The 'Thymosin' link takes the searcher to an information page on Thymosin B4 or Thymosin Beta 4 (see page 5 of Document 25).
171. Based on the material above, you may be satisfied that there is circumstantial evidence that the Thymosin that was being administered by Mr Dank, including to Essendon Football Club players, was Thymosin Beta 4.

Injections administered by Dean Robinson

172. s 38(1), s 45(1) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- | | | | | |
|------------|------------|------------|------------|------------|
| [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] | | | |
| [REDACTED] | [REDACTED] | [REDACTED] | | |
| [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | |
| [REDACTED] | [REDACTED] | | | |
| [REDACTED] | [REDACTED] | [REDACTED] | | |
| [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] | [REDACTED] | | |

⁷² s 38(1), s 45(1) [REDACTED]

s 38(1), s 45(1)

Category	Value
Category 1	Value 1
Category 2	Value 2
Category 3	Value 3
Category 4	Value 4
Category 5	Value 5
Category 6	Value 6
Category 7	Value 7
Category 8	Value 8
Category 9	Value 9
Category 10	Value 10
Category 11	Value 11
Category 12	Value 12
Category 13	Value 13
Category 14	Value 14
Category 15	Value 15
Category 16	Value 16
Category 17	Value 17
Category 18	Value 18
Category 19	Value 19
Category 20	Value 20
Category 21	Value 21
Category 22	Value 22
Category 23	Value 23
Category 24	Value 24
Category 25	Value 25
Category 26	Value 26
Category 27	Value 27
Category 28	Value 28
Category 29	Value 29
Category 30	Value 30
Category 31	Value 31
Category 32	Value 32
Category 33	Value 33
Category 34	Value 34
Category 35	Value 35
Category 36	Value 36
Category 37	Value 37
Category 38	Value 38
Category 39	Value 39
Category 40	Value 40
Category 41	Value 41
Category 42	Value 42
Category 43	Value 43
Category 44	Value 44
Category 45	Value 45
Category 46	Value 46
Category 47	Value 47
Category 48	Value 48
Category 49	Value 49
Category 50	Value 50
Category 51	Value 51
Category 52	Value 52
Category 53	Value 53
Category 54	Value 54
Category 55	Value 55
Category 56	Value 56
Category 57	Value 57
Category 58	Value 58
Category 59	Value 59
Category 60	Value 60
Category 61	Value 61
Category 62	Value 62
Category 63	Value 63
Category 64	Value 64
Category 65	Value 65
Category 66	Value 66
Category 67	Value 67
Category 68	Value 68
Category 69	Value 69
Category 70	Value 70
Category 71	Value 71
Category 72	Value 72
Category 73	Value 73
Category 74	Value 74
Category 75	Value 75
Category 76	Value 76
Category 77	Value 77
Category 78	Value 78
Category 79	Value 79
Category 80	Value 80
Category 81	Value 81
Category 82	Value 82
Category 83	Value 83
Category 84	Value 84
Category 85	Value 85
Category 86	Value 86
Category 87	Value 87
Category 88	Value 88
Category 89	Value 89
Category 90	Value 90
Category 91	Value 91
Category 92	Value 92
Category 93	Value 93
Category 94	Value 94
Category 95	Value 95
Category 96	Value 96
Category 97	Value 97
Category 98	Value 98
Category 99	Value 99
Category 100	Value 100

s 38(1), s 45(1)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] 73

173. s 38(1), s 45(1)

[REDACTED]

[REDACTED]

[REDACTED] 74.

174. s 38(1), s 45(1)

[REDACTED]

[REDACTED]

175. s 38(1), s 45(1)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

176. s 38(1), s 45(1)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

⁷³ s 38(1), s 45(1)

[REDACTED]

⁷⁴ s 38(1), s 45(1)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

⁷⁵ s 38(1), s 45(1)

[REDACTED]

[REDACTED]

[illegible]

[REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]
 [REDACTED]
 [REDACTED] [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

2

s 38(1), s 45(1)

s 38(1), s 45(1)

██████████

██████████

██████████

██████████

[REDACTED]

██████████

██████████

[REDACTED]

[REDACTED]

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[REDACTED]

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85

86

s 38(1), s 45(1)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

177. s 38(1), s 45(1)

114

_____	_____
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⁷⁶ s 38(1), s 45(1)

77 s 38(1), s 45(1)

s 38(1), s 45(1)

78.

Absence of evidence of AOD9604 in injectable form at Essendon

178. The above evidence shows the ordering, purchasing, compounding and supply of Thymosin Beta 4 to Mr Dank for use at Essendon. Some players have not admitted having Thymosin injections, but have stated that they may have had injections of AOD9604. It is therefore necessary to consider whether this belief is sufficient to establish that they were injected with AOD9604 rather than Thymosin Beta 4. For the reasons that follow, it is submitted that their belief does not displace the evidence that Mr Dank in fact injected players with Thymosin Beta 4.

179.

s 38(1), s 45(1)

180.

s 38(1), s 45(1)

81

86

181.

s 38(1), s 45(1)

78

s 38(1), s 45(1)

79

80

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84

85

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89

[REDACTED] s 38(1), s 45(1)
[REDACTED]

182. s 38(1), s 45(1) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

183. The suggested dosage for AOD9604 in the player consent forms was 1 injection weekly. s 38(1) [REDACTED]
[REDACTED]
[REDACTED]

184. However, despite the apparent size of the injection programme, ASADA's investigation did not identify a source for the injectable AOD9604 supposedly used by Mr Dank for the first half of the 2012 season.

185. s 38(1) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

90 s 38(1), s 45(1) [REDACTED]
91 [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

92 [REDACTED]
[REDACTED]
[REDACTED]

93 [REDACTED]

94 *On the Couch*, Fox Sports, 24 June 2013.

95 s 38(1) [REDACTED] s 38(1), s 45(1) [REDACTED]

[REDACTED]
96 s 38(1) [REDACTED]

s 38(1), s 45(1) [REDACTED]
[REDACTED]

186. s 38(1) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

187. s 38(1) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

188. s 38(1) [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

189. s 38(1) [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

97 s 38(1) [REDACTED]
98 [REDACTED]
99 s45, [REDACTED]
100 s45 s47F s47E(d) [REDACTED]
101 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

• [REDACTED]
[REDACTED]

190. s 38(1) [REDACTED]¹⁰³ s 38(1) [REDACTED]
[REDACTED]
[REDACTED] [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

191. s 38(1) [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]¹⁰⁸

192. s 38(1) [REDACTED]
[REDACTED]
[REDACTED]

193. s 38(1) [REDACTED]
[REDACTED]
[REDACTED] [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

102 s 38(1) [REDACTED]
103 s 38(1) [REDACTED]
104 s 38(1) [REDACTED]
105 s 38(1) [REDACTED]
106 s 38(1) [REDACTED]
107 s 38(1) [REDACTED]
108 s 38(1) [REDACTED]
109 s 38(1) [REDACTED]

194. s 38(1) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

195. s 38(1) [REDACTED]
[REDACTED]
[REDACTED] [REDACTED]
[REDACTED]
[REDACTED].

196. s 38(1), s 45(1) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

197. Based on the available evidence, we consider that it is unlikely that any injections administered by s 38(1), s [REDACTED] before at least May 2012 would have been of AOD9604.

198. s 38(1), s 45(1) [REDACTED]
[REDACTED]
[REDACTED].

199. s 38(1), s 45(1) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

200. s 38(1), s 45(1) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

110 s 38(1), s 45(1) [REDACTED]
111 [REDACTED]

s 38(1), s 45(1)

201. In conclusion, this evidence does not undermine the inference that they were injected as a group with Thymosin Beta 4, pursuant to their consent forms.

s 38(1)

202. s 38(1), s 45(1)

This evidence does not appear to relate to Thymosin Beta 4, but has been included for completeness.

203. s 38(1), s 45(1)

s 38(1), s 45(1)

¹¹² s 38(1), s 45(1)

¹¹³ BDOC13-24475 – messages 9474 and 9476.

114

- ## Injections at HyperMed

- _____
- _____

- ## Intravenous treatments at Skinovate

- 114 s 38(1), s 45(1)

94

Essendon Football Club by Skinovate indicate that 155 intravenous (IV drip) treatments were administered to players (and potentially coaches and support staff) from March to July 2012. The treatments were reported to be 'Sodium Ascorbate Solution (Vitamin C) and B-Dose (Vitamin B complex).' The investigation did not uncover conclusive evidence of any prohibited substances being used.

Blood Testing

208. There is evidence that Mr Dank undertook extensive blood testing of players.

s 38(1)

209. s 38(1)

Conclusion – players used Thymosin Beta 4

210. In conclusion, whilst ASADA does not have any direct admissions from Mr Dank or Mr Alavi as to the content of the 'Thymosin injections' given to Essendon players, there is strong circumstantial evidence that the players were administered with the WADA banned substance Thymosin Beta 4. The circumstantial evidence that supports the conclusion that Thymosin Beta 4 was administered includes, but is not limited to the following:

- Mr Charter sourced and tested the raw materials in China;
- Mr Charter supplied the raw materials to Mr Alavi so that Mr Alavi could manufacture the peptides for Mr Dank;
- Mr Charter states he never ordered or received any type of Thymosin other than Thymosin Beta 4 for Mr Dank;

s 38(1)

- Mr Alavi (despite his claim to have never known the type of Thymosin he was making and giving to Mr Dank has provided contemporaneous documents discussing Thymosin Beta 4 (Eagle correspondence);

- s 38(1) [REDACTED]

- s 38(1) [REDACTED]

- s 38(1) [REDACTED] that [REDACTED]

211. s 38(1), s 45(1) [REDACTED]

212. In cases where a particular player claims to have been injected with other substances (for example, AOD-9604 or Melanotan II), the material in **Appendix A** for that player sets out further evidence as to why it is more likely that the injection the player received was of Thymosin Beta 4.

Conclusion

213. In conclusion the possible non-presence anti-doping rule violations and the supporting material may be summarised as set out in the following table:

#	Possible Violation	Elements of each violation	Supporting material for each element
1	Use of a prohibited substance, namely Thymosin Beta 4, between about January 2012 to September 2012	Use	<ul style="list-style-type: none"> • Player consent form for Thymosin; • Evidence from players of receiving injections from Mr Dank in the stomach; • s 38(1) [REDACTED] • Text messages between Mr Dank and Mr Hird regarding the commencement of Thymosin injections;

			<ul style="list-style-type: none"> • Text messages between Mr Dank and two players (Mr Hardingham and Mr Melksham) regarding Thymosin injections; • The Age newspaper article; • EFC invoices from Como Compounding Pharmacy (Mr Alavi); • s 38(1) [REDACTED] • Alavi's evidence and documentation (for example e-mail to Eagle Pharmaceuticals about analysing Thymosin Beta 4).
		By an athlete	<ul style="list-style-type: none"> • Each player's <i>Form 1 – Australian Football League Registration Application – Rule 2</i>.
		Of a prohibited substance	<ul style="list-style-type: none"> • David Handelsman report, WADA advice – prohibited under category S2.5 of the WADA Prohibited List (Thymosin Beta 4).

Decision

214. It is submitted that based on your examination of the material in this submission you may determine that the conduct of each player specified in **Appendix A** constitutes a possible non-presence Anti-Doping Rule Violation that warrants action by you under clause 4.07A of the NAD Scheme.

215. You are asked to indicate whether or not you make this determination with respect to the potential violation listed below. If you propose to make a positive determination, please indicate this on the decision page in **Appendix A** for the relevant player.

- 1. The possible non-presence anti-doping rule violation listed below occurred while you were an athlete in a sport with an anti-doping policy, namely the Australian Football League, in accordance with clause 1.06(1) of the NAD Scheme.
- 2. Use of a prohibited substance, namely Thymosin Beta 4, between about January 2012 to September 2012, contrary to clause 2.01(2)(b) of the NAD Scheme.

30 May 2014

Elen Perdikogiannis
General Manager, Anti-Doping Programs and Legal Services

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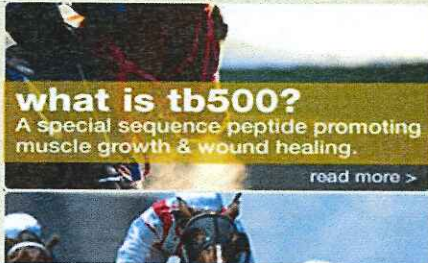
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