

BEFORE THE AMERICAN ARBITRATION ASSOCIATION
North American Court of Arbitration for Sport Panel

UNITED STATES ANTI-DOPING AGENCY,)	
)	
Claimant,)	<u>ARBITRAL AWARD</u>
v.)	
)	
NATHAN PIASECKI,)	AAA No. 30 190 00358 07
)	
Respondent.)	
)	
	:	

THE UNDERSIGNED ARBITRATOR, having been designated by the above-named parties, and having duly heard the proofs and allegations of the parties, does hereby find and issue this Final Award, as follows:

I. THE FACTS

1. Claimant, the United States Anti-Doping Agency (USADA) is the independent anti-doping agency for Olympic Movement sports in the United States and is responsible for conducting drug testing and adjudication of potential doping offenses pursuant to the USADA Protocol for Olympic Movement Testing (the USADA Protocol).
2. Respondent, Nathan Piasecki, is a 25 year old elite wrestler who was living and training at the United States Olympic Training Center in Colorado Springs, Colorado (OTC). He was a member of the 2006 national team. On January 10, 2007, he gave the urine sample designated as USADA specimen number 1502765 (the Specimen), as part of the USADA Out-of-Competition testing program.
3. The Parties prior to the hearing stipulated to the following uncontested facts and issues:
 - a. That the USADA Protocol for Olympic Movement Testing governs the hearing for an alleged doping offense involving the Specimen;
 - b. That the mandatory provisions of the World Anti-Doping Code (WADA Code) including, but not limited to, the definitions of doping, burdens of proof, Classes of Prohibited Substances and Prohibited Methods, and sanctions, and contained in the USADA Protocol at Annex A, and the Federation Internationale des Luttes Associées (FILA) Anti-Doping Regulations are applicable to this hearing for the alleged doping offense involving the Specimen;
 - c. That Mr. Piasecki gave the Specimen on January 10, 2007, as part of the USADA Out-of-Competition testing program;
 - d. That each aspect of the sample collection and processing for the A and B bottles of the Specimen was conducted appropriately and without error;

- e. That the chain of custody for the Specimen from the time of collection and processing at the collection site to the receipt of the sample by the World Anti-Doping Agency accredited laboratory at the University of California in Los Angeles (UCLA Laboratory) was conducted appropriately and without error;
 - f. That the UCLA Laboratory's chain of custody for the Specimen was conducted appropriately and without error;
 - g. That the UCLA Laboratory, through accepted scientific procedures and without error, determined the sample positive for the finding of the substance 6 α -Hydroandrostenedione in both the A and B bottles of the Specimen (Positive Test);
 - h. That the level of 6 α -Hydroandrostenedione found in the A and B bottles of the Specimen was low;
 - i. That following his Positive Test, Mr. Piasecki had several of the nutritional supplements that he had been taking in the days prior to January 10, 2007 tested by Aegis Sciences Corporation (Aegis) for contamination with steroid or steroid precursors;
 - j. That the nutritional supplement 6-OXO that Aegis tested for Mr. Piasecki tested positive for DHEA at an approximate concentration level of 1600 parts per million;
 - k. That DHEA is a steroid precursor that is banned by USADA, WADA and FILA;
 - l. That DHEA is not a listed ingredient of 6-OXO;
 - m. That USADA has no evidence that the 6 α -Hydroandrostenedione detected in Mr. Piasecki's urine came from a source other than the 6-OXO taken by Mr. Piasecki;
 - n. That Mr. Piasecki agrees that the Positive Test with a finding of the substance 6 α -Hydroandrostenedione in both the A and B bottles of the Specimen is a first doping offense;
 - o. That the Parties agree that the period of ineligibility will be a maximum of two (2) years beginning on the date of the hearing panel's decision with credit being given for the time Mr. Piasecki has served a provisional suspension beginning on February 8, 2007, to a minimum of the time Mr. Piasecki has served a provisional suspension beginning on February 8, 2007 until the date of the hearing panel's decision;
 - p. That Mr. Piasecki reserves the right to argue exceptional circumstances under the applicable rules.
4. Just prior to the hearing which was held on September 13, 2007 in Los Angeles, California, the parties stipulated further to the following:
- q. Respondent's positive drug test was caused by the listed ingredient of 6-OXO (4-etioallocholen-3, 6, 17-trione).
 - r. Respondent's positive drug test was not caused by DHEA contamination of the 6-OXO he was taking.
 - s. 6-OXO is a prohibited substance pursuant to, at a minimum, Class S4 of the WADA Prohibited List, although neither 6-OXO nor the chemical name contained on the label (4-etioallocholen-3, 6, 17-trione) are listed on the WADA Prohibited List.
5. Mr. Piasecki was the only witness to testify on his behalf. He testified that he knew he was in the doping control testing pool once he made the national team. He had received the USADA wallet card with a summary of Prohibited Substances, the USADA Athlete Handbook with the full list of Prohibited Substances (the List) and the USADA Guide which

featured a warning about dietary supplements being risky to consume and he saw the USADA's Spirit of Sport newsletter around at the OTC. He read through the entire List at least once and reviewed various sections in detail thereafter. He also regularly looked at the USADA web site to match up the names of ingredients and the genres of the supplements he was considering taking with those on the List.

6. While at the OTC, Mr. Piasecki bought his vitamins and supplements only at the Vitamin Shoppe because the other athletes were customers there and because a couple of the employees there seemed knowledgeable about the benefits from the supplements. On Mr. Piasecki's first visit to the Vitamin Shoppe, he brought in the USADA wallet card summary of Prohibited Substances and left it there, where it was kept under the counter and consulted periodically when he made purchases. Jordan Kloeppe was his primary sales person and advisor at the Vitamin Shoppe. Mr. Kloeppe appeared knowledgeable about the supplements and their contents and Mr. Piasecki relied on him, reminding him repeatedly that he could not take anything on the List. A few times, Mr. Kloeppe steered Mr. Piasecki away from a supplement telling him that it was prohibited, without pointing to a particular ingredient on the label.
7. Mr. Piasecki bought the first bottle of 6-OXO around October 2006 and the second at the beginning of January 2007 based on Mr. Kloeppe's recommendation, to improve his recovery after workouts, and increase his testosterone production. For each purchase, Mr. Piasecki asked specifically whether there were any banned substances in this product and each time, according to Mr. Piasecki, Mr. Kloeppe told him confidently that there were none. He testified that he did check the List to see whether 6-OXO or its ingredients were listed but did not see anything resembling the listed ingredients. He also looked closely at the bottle label which featured the following statements: Stimulates Testosterone Production; Suppresses Estrogen Production; Prohormone Alternative. He thought these were marketing statements and taken together with the statement these were Naturally Occurring, they caused him no concern.
8. He also briefly consulted the web site of the manufacturer, Ergopharm, on the 6-OXO page only and was comfortable when he saw "naturally occurring, drug free, legal" highlighted there. He noticed various statements on the page which he considered to be marketing claims. His review confirmed for him what Mr. Kloeppe had told him, i.e. that it was safe to take 6-OXO. He did not read in detail the 6-OXO page on the web site, did not notice that Ergopharm sold prohormones, which he knew were illegal, and other Prohibited Substances. He also did not read the statement in bold headline on the 6-OXO page which identified it as "the first effective all natural aromatase inhibitor", nor did he notice the comparison of 6-OXO to the drugs listed by name on the List "S4, Agents with Anti-Estrogenic Activity", clomiphene and anastrozole. On other pages within the Ergopharm site, there were references to the founder of the company, Patrick Arnold, who at the time had been convicted of steroid distribution in the BALCO scandal, but Mr. Piasecki did not consult any other pages on the Ergopharm site.
9. Mr. Piasecki did not believe that the statements on the 6-OXO label meant it was in one of the classes of Agents with Anti-Estrogenic Activity referenced in the List S4 (e.g. anti-estrogenic substances or aromatase inhibitors) even though he understood the product to have

anti-estrogenic effects, because the chemical names in the List did not match any of the ingredients listed on 6-OXO's label. Mr. Piasecki knew the List was incomplete but he did not read the words "including *but not limited to*" when reviewing the listing of aromatase inhibitors and other anti-estrogenic substances in the List, S4.

10. Mr. Piasecki did not consult with anyone other than Mr. Kloeppele at the Vitamin Shoppe with respect to 6-OXO's contents. He felt comfortable taking the product based on his review of the List and his trust in Mr. Kloeppele's claim that it was safe to take.
11. Mr. Piasecki did not list 6-OXO on the Doping Control Form among the other supplements he was taking at the time of giving his Specimen. Two other supplements he was taking at the time also were not listed.
12. Though Mr. Piasecki did receive the USADA materials which featured a warning about the risks involved in taking supplements, he was not aware of this warning, he did not realize that the supplement label might not list all the ingredients and did not know anyone who had tested positive as a result of taking supplements. He also understood that whatever he consumed, he did so at his own risk.
13. Upon hearing that the Specimen had tested positive for 6 α -Hydroandrostenedione, Mr. Piasecki checked again in the USADA Athlete Handbook but was unable to find the ingredients in 6-OXO listed. He therefore had Aegis test all the supplements he was taking prior to the giving of the Specimen to determine the source of the Prohibited Substance.
14. Dr. Anthony Butch, the Director of the UCLA Laboratory, testified that 6-OXO is an anabolic androgenic steroid and an aromatase inhibitor.
15. Mr. Piasecki did not compete between January 10 and February 8, 2007, the date on which he accepted a provisional suspension.

II. APPLICABLE RULES

The FILA Anti-Doping Regulations (ADR) in relevant part provide:

2.1 The presence of a *Prohibited Substance* or its Metabolites or Markers in an *Wrestler's* bodily Specimen

- 2.1.1 It is each *Wrestler's* personal duty to ensure that no *Prohibited Substance* enters his or her body. *Wrestlers* are responsible for any *Prohibited Substance* ... found to be present in their bodily *Specimens*. Accordingly, it is not necessary that intent, fault, negligence or knowing *Use* on the *Wrestler's* part be demonstrated in order to establish an anti-doping violation under Article 2.1.
- 2.1.2 ... the detected presence of any quantity of a *Prohibited Substance* ... in an *Wrestler's* *Sample* shall constitute an anti-doping rule violation.

10.2 Imposition of Ineligibility for *Prohibited Substances* and *Prohibited Methods*

... the period of *Ineligibility* imposed for the presence of *Prohibited Substance* ... shall be:

...

First violation: Two (2) years' Ineligibility.

However, the wrestler or other person shall have the opportunity in each case, before a period of *Ineligibility* is imposed, to establish the basis for eliminating or reducing this sanction as provided in Article 10.5.

10.5 Elimination or Reduction of Period of *Ineligibility* Based on Exceptional Circumstances

10.5.2 This Article 10.5.2 applies only to anti-doping rule violations involving Article 2.1 (presence of *Prohibited Substance*...)... If a *Wrestler* establishes in an individual case involving such violations that he or she bears *No Significant Fault or Negligence*, then the period of *Ineligibility* may be reduced, but the reduced period of *Ineligibility* may be not less than one-half of the minimum period of *Ineligibility* otherwise applicable.

When a *Prohibited Substance* ... is detected in an *Wrestler's* Specimen in violation of Article 2.1, the *Wrestler* must also establish how the *Prohibited Substance* entered his or her system in order to have the period of *Ineligibility* reduced.

DEFINITIONS

No Significant Fault or Negligence. The *Wrestler's* establishing that his or her fault or negligence, when viewed in the totality of the circumstances and taking into account the criteria for *No Fault or Negligence*, was not significant in relationship to the anti-doping rule violation.

No Fault or Negligence. The *Wrestler's* establishing that he or she did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he or she has *Used* or been administered the *Prohibited Substance* ...

10.7 *Disqualification* of Results in *Competitions* Subsequent to *Sample Collection*

...all... competitive results obtained from the date a positive *Sample* was collected (whether *In-Competition* or *Out-of-Competition*), or other doping violation occurred, through the commencement of any *Provisional Suspension* or *Ineligibility* period, shall, unless fairness requires otherwise, be

Disqualified with all of the resulting consequences including forfeiture of any medals, points and prizes.

10.8 Commencement of *Ineligibility Period*

The period of *Ineligibility* shall start on the date of the hearing decision providing for *Ineligibility*...[.] Any period of *Provisional Suspension* (whether imposed or voluntarily accepted) shall be credited against the total period of *Ineligibility* to be served. Where required by fairness, such as delays in the hearing process or other aspects of *Doping Control* not attributable to the *Wrestler*, the ...*Anti-Doping Organization* imposing the sanction may start the period of *Ineligibility* at an earlier date commencing as early as the date of *Sample* collection.

The 2007 Prohibited List includes:

S1. ANABOLIC AGENTS

Anabolic agents are prohibited.

1. Anabolic Androgenic Steroids (AAS)

S4. AGENTS WITH ANTI-ESTROGENIC ACTIVITY

The following classes of anti-estrogenic substances are prohibited:

- 1. Aromatase inhibitors including, but not limited to, anastrozole, letrozole, aminoglutethimide, exemestane, formestane, testolactone.**
- 2. Selective Estrogen Receptor Modulators (SERMs) including, but not limited to, raloxifene, tamoxifen, toremifene.**
- 3. Other anti-estrogenic substances including, but not limited to, clomiphene, cyclofenil, fulvestrant.**

III. PARTIES' CONTENTIONS

Mr. Piasecki's contentions

16. Mr. Piasecki seeks to have the period of ineligibility for his first doping offense reduced from two years to a maximum of 15 months, consistent with previous Court of Arbitration for Sport (CAS) decisions. He contends that he was not significantly negligent as he took numerous precautions to avoid taking any Prohibited Substances. The Parties stipulated how the Prohibited Substance entered his system therefore he has only to establish that he was not significantly negligent or at fault.

17. The factors which Mr. Piasecki believes need to be taken into account in determining whether his sanction should be reduced from the minimum required two years are as follows. He accepts responsibility for the supplements he took, but he was not trying to cheat, he took all reasonable steps to check their ingredients. He took his obligation to check for Prohibited Substances seriously, understood that he had to make sure he was not taking Prohibited Substances, which is why he took the USADA wallet card into the store where he purchased his supplements, shopped only at that store, checked the ingredients against the List and asked the salesman he thought was knowledgeable every time he made a purchase. Neither 6-OXO nor its ingredients are featured on the List. He believed that he should be looking for ingredients on the List and acted diligently in doing so. The supplement was legally sold, not a designer steroid he was trying to buy on the black market. He claims that no competitive advantage was sought or obtained from his taking of the 6-OXO as he only took it for a couple of days before the doping control of January 10, 2007 and he did not compete at all with the Prohibited Substance. He had no intent to dope.
18. The CAS precedents relied upon by Mr. Piasecki include *Cañas v. ATP* [CAS 2005/A/951] and *Squizzato v. FINA* [CAS 2005/A/830], where the Panel found that the intent to dope is not relevant to a finding of a doping offense, but was relevant to the issue of exceptional circumstances required to reduce the period of ineligibility. The Panels in *Squizzato v. FINA* and *ITF v. Hood* [not a CAS case] also considered the lack of competitive advantage to be a factor in an exceptional circumstances analysis. Mr. Jacobs argues that the precautions taken by Mr. Piasecki are analogous to those taken by Graydon Oliver (*ATP v. Oliver* [not a CAS case]) and Hans Knauss (*Knauss v. FIS* [CAS 2005/A/847]), both cases where exceptional circumstances were found to reduce the period of ineligibility.
19. In addition, Mr. Piasecki argues that the relevant inquiry is not whether an athlete could have done more, but rather whether the steps that were taken by the athlete were themselves reasonable. Mr. Piasecki read the supplement's label, researched its ingredients, checked the manufacturer's web site and questioned the employee at the store on whom he relied. He contends these steps are reasonable under the circumstances and as such, that he was not significantly negligent in taking a Prohibited Substance.
20. Mr. Jacobs also argues on behalf of his client that the imposition of a two year period of ineligibility would be disproportionate to the consequences to Mr. Piasecki, including among other factors an automatic ban from the Olympic Games. He cites *FINA c. Mellouli & Fédération Tunisienne de Natation* [TAS 2007/A/1252] where the Panel found that the athlete though significantly negligent, should not be ineligible for a two year period, due to the circumstances involved including that he was cooperative, voluntarily accepted a provisional suspension, convincingly explained how he came to take the Prohibited Substance and accepted responsibility for his mistake. In this case, a period of ineligibility longer than 15 months would preclude any possibility of Mr. Piasecki competing in the 2008 Olympic Games. Therefore, regardless whether Mr. Piasecki was significantly negligent, Mr. Jacobs argues the appropriate penalty is in the range of 12 – 15 months.

USADA's contentions

21. USADA argues that based on the facts in this case, Mr. Piasecki is appealing for sympathy, and that the minimum penalty of two years is appropriate. There was a lot of information readily available to him which would have alerted him he was taking a Prohibited Substance, had he simply looked. Exceptional circumstances should apply in the rare case, not where an athlete took the List into a store, was told the supplement was safe and accepted that assessment. He presented no evidence of an investigation into the supplement or its manufacturer before taking it. He simply relied on the statements of a salesman whose qualifications he knew nothing about. He compared the label to the List and briefly perused the manufacturer's web site, but did not read it. That is not an adequate investigation, especially considering there is information on the product's label which a reasonable person reading and comparing to the List would have researched further. Mr. Piasecki's negligence was significant if not willful.
22. The objective standard applied to all athletes is not whether the athlete felt the steps were reasonable. Rather, the athlete needs to be diligent. The Ergopharm web site page he consulted describes 6-OXO as an "aromatase inhibitor" and explains that 6-OXO "works, in males, to both reduce estrogen and increase testosterone." "Agents with Anti-Estrogenic Activity" including "aromatase inhibitors" constitute a class of prohibited drugs identified under S4 on the List. The Ergopharm web site advertising for 6-OXO states that 6-OXO works like "Clomiphene (an estrogen receptor antagonist) and Anastrozole (an aromatase inhibitor)", which are substances specifically identified on the List. The label said 6-OXO suppresses estrogen production and Mr. Piasecki testified that he knew this meant it was anti-estrogenic. He did not investigate this statement, but looked at only one page on the manufacturer's web site, when there were other pages which provided additional information. If he had read those pages, he testified he would not have taken the supplement. If Mr. Piasecki actually checked the Ergopharm web site, he obviously did not read it. This information negates any possible inference that Mr. Piasecki acted reasonably and used appropriate caution in investigating the substances he put into his body and thereby eliminates any prospect of a reduction in his period of ineligibility. He had the opportunity to get in touch with USADA or other experts but he chose not to do so. Other athletes who had done far more still had no reduction in their period of ineligibility, such as in the case of *Vencill v. USADA* [CAS 2003/A/484].
23. USADA also questions whether an athlete can carry his burden of proof through his own testimony only. He was the only witness to testify concerning his actions and there was no corroboration for any of his claims. As stated in *Meca-Medina v. FINA* [TAS 99/A/234], "It is regrettable that the currency of such denial is devalued by the fact that it is the common coin of the guilty as well as of the innocent."
24. USADA emphasizes that the intention to dope is not controlling with respect to exceptional circumstances. A doping control can not reveal what the intent of the athlete was. If protestations of good intentions were sufficient, every case of a positive test would be considered to be based on exceptional circumstances. Though Mr. Piasecki claims that he did not seek a competitive advantage, it is clear what the product was intended to do, which

was to generate testosterone to increase muscle mass. Mr. Piasecki testified he took it to aid in recovery. Mr. Piasecki was using the supplement and obtaining a competitive advantage over non-using athletes.

25. USADA distinguished the CAS cases cited by Mr. Jacobs based on their specific facts, including the substances involved which were not marketed to enhance performance, and that this was not an isolated instance or mistake by Mr. Piasecki, rather he had taken 6-OXO previously to seek a competitive advantage and would have continued to do so, were it not for his positive test.
26. USADA also argued that whether the length of the period of ineligibility would affect Mr. Piasecki's chances to compete in the Olympic Games can not be taken into consideration, as this would allow the decision to depend on fortuity of timing. In this case, using a proportionality analysis is nothing more than a request for sympathy, which is not appropriate as the athlete took no care. There is no basis for applying proportionality as Mr. Piasecki did not confront any difficult circumstances in testing positive, other than his own negligence.

IV. DISCUSSION

27. As stipulated by the parties, the only issue to be determined by the Arbitrator is the length of the period of ineligibility for Mr. Piasecki's doping violation. The minimum length of the period of ineligibility is two years (FILA ADR 10.2). Pursuant to the provisions of FILA ADR 10.5.2, if Mr. Piasecki establishes that he bears *No Significant Fault or Negligence*, "then the period of *Ineligibility* may be reduced, but the reduced period of *Ineligibility* may be not less than one-half of the minimum period of *Ineligibility* otherwise applicable."
28. Though Mr. Piasecki is a sympathetic victim of his negligence, he failed to establish that his negligence was not significant as was done in the CAS and other cases cited by Mr. Piasecki. He seems to have acted in good faith to prevent his consuming Prohibited Substances, but his actions were significantly negligent. Mr. Piasecki, as an elite athlete, should have known and could have known that supplements are to be taken with the utmost caution. Mr. Piasecki was significantly at fault and acted unreasonably in not doing more than, according to his own testimony, checking with the trusted salesman at his supplement vendor, checking the ingredients only against the List and briefly perusing one page on the manufacturer's web site. He could have reasonably looked into the claims on the label, read the manufacturer's web site or called the USADA help line. Had he read the one page of the web site he consulted, especially since he was looking for information about the supplement possibly being risky to take, he would have been alarmed and checked further. Had he read the warnings in the USADA supplied newsletter, he would have known to be extra cautious when taking supplements. Instead, he ignored the label's clear statements and took minimal steps based on his reliance on a salesman and his mistaken reading of the List.
29. He was not the victim of exceptional circumstances, such as in the case of injury or illness. Rather, he was seeking to improve his recovery time and to increase his testosterone production. The fact that the ingredients specifically listed on the 6-OXO label were not

themselves listed on the List is only the first level of inquiry to be made when taking supplements. It is known in the sporting community that supplements are unregulated and that numerous athletes have been declared ineligible after mistakenly taking such supplements. Mr. Piasecki's ignorance of this situation is difficult to believe. He could have and should have known about this risk and his personal duty to do more than trust a supplement's ingredient list and/or a supplement sales person. The 6-OXO label statement regarding estrogen suppression matched the heading of one of the List classes of Prohibited Substances. Thus, with the exercise of ordinary caution, Mr. Piasecki could have suspected that 6-OXO was a Prohibited Substance. He thought he was being cautious based on his own interpretation of the List, when he in fact was taking a great risk in not reading carefully the List and the information available about a supplement whose label featured the claims "Stimulates Testosterone Production; Suppresses Estrogen Production; Prohormone Alternative". This specifically identified on the label that the product fit squarely into the S4 class of Prohibited Substances: an anti-estrogenic substance.

30. It is an indication of Mr. Piasecki's complete faith in the label ingredients and his salesman that he actually had the supplement tested for contamination after his Positive Test. He still did not suspect, based on the product's label that the label claims indicated a Prohibited Substance.
31. These are not exceptional circumstances, as in some of the CAS cases where there was a finding that the athlete was not significantly negligent. Mr. Piasecki could have prevented the Positive Test by taking those minimal steps available to him without any difficulty. He chose to take a supplement to enhance his performance without taking adequate care. This is far below the need for utmost caution. Thus, there is no basis for reducing his period of ineligibility pursuant to FILA ADR 10.5.2.
32. With respect to the proportionality argument, though Mr. Piasecki did not himself believe he was doping, he was seeking to enhance his performance. The fact that a two year period of ineligibility means Mr. Piasecki will automatically be ineligible to qualify for the 2008 Olympic Games, given the totality of the circumstances, is not sufficient to make the period of ineligibility disproportionate to the fault of Mr. Piasecki. As such, there is no basis to reduce the two year period of ineligibility.

IV. FINDINGS AND DECISION

The Arbitrator therefore rules as follows:

1. Mr. Piasecki shall be ineligible to compete for a period of two years, under the FILA ADR, beginning on the date of this decision with credit being given for the time Mr. Piasecki has served a provisional suspension beginning on February 8, 2007. Mr. Piasecki shall be eligible to compete again on February 8, 2009.
2. Since Mr. Piasecki did not compete between the date the Specimen was given, January 10, 2007 and the date his provisional suspension began on February 8, 2007, there are no competition results to be disqualified.
3. The administrative fees of the AAA, totaling \$750.00 and the fees of the arbitrator totaling \$5,698.00, shall be borne entirely by the United States Olympic Committee.
4. The parties shall bear their own costs and attorney's fees.
5. This Award is in full settlement of all claims submitted in this Arbitration. All claims not expressly granted herein are hereby denied.



Maidie E. Oliveau
SOLE ARBITRATOR

September 24, 2007
Date

I, Maidie E. Oliveau, do hereby affirm upon my oath as Arbitrator that I am the individual described in and who executed this instrument which is my Award.



Maidie E. Oliveau
SOLE ARBITRATOR

September 24, 2007
Date