



**GUVERNUL ROMÂNIEI**  
**AGENȚIA NAȚIONALĂ ANTI-DOPING**

**THE HEARING COMMISSION FOR THE ATHLETES AND THEIR  
SUPPORT PERSONNEL WHO VIOLATED THE ANTI-DOPING RULES**

**To**  
COJOCARI TAUT IOAN  
Cluj Napoca University Sport Club  
Romanian Bodybuilding and Fitness Federation  
Ministry of Youth and Sport  
International Bodybuilding and Fitness Federation  
Romanian Olympic and Sport Committee  
World Anti-Doping Agency

**Bucharest, 02.12.2013**

Regarding the case of **National Anti-Doping Agency** *versus* the athlete Cojocari  
Taut Ioan, affiliated to Cluj Napoca University Sport Club,  
sport discipline bodybuilding

**DECISION**

**No. 21/02.12.2013**

**Issued by**

**THE HEARING COMMISSION FOR THE ATHLETES AND THEIR  
SUPPORT PERSONNEL WHO VIOLATED THE ANTI-DOPING RULES**

**With the following structure:**

**Chairman**

IOAN DOBRESCU

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Secretary of the Hearing Commission: **Gabriela ANDREIASU**

*The Hearing Commission for the athletes and their support personnel who violated the anti-doping rules*, named herein after “the Commission”, summoned on 02.12.2013, 10:00 H, at the National Anti-Doping Agency official seat in Bucharest, 37 – 39 Basarabia Bvd., District 2, for the hearing of the athlete Cojocari Taut Ioan, affiliated to Cluj Napoca University Sport Club, residing in Cluj-Napoca, Cluj County, 111 Fabricii de Zahar Street, holds the followings:

Following the out of competition doping control conducted on 02.11.2013 in Bucharest, at sport discipline bodybuilding, the analytical result of the athlete’s sample with the code number 6069399A indicated the presence of the prohibited substances **metenolone** and its metabolite **1-methylen-5 $\alpha$ -androstan-3 $\alpha$ -ol-17-one**, included in the prohibited substance class S1.1.a – **Exogenous Anabolic Androgenic Steroids**.

On 18.11.2013, the athlete did not show to the meeting session, although he had been legally notified; however, he sent an official letter requesting for his hearing to be postponed, reasoned by the circumstance that he was in a particular emotional state as a result of finding out the positive result of the sample and last but not least, invoking financial reasons that made it impossible for him to travel to Bucharest. The Commission took into account his request and postponed the meeting session for 02.12.2013, as it considered the athlete’s presence to its meeting useful in order to hear him and to establish a fair and reasoned decision. For these reasons, given the nature of the prohibited substance, unquestionably proved by the analysis bulletin no. 791/11.11.2013 issued by the Bucharest Doping Control Laboratory, the Commission considered that the provisional suspension of the athlete Cojocari Taut Ioan was required, until the final decision was rendered.

Pursuant to the provisions of art. 31 para. (2) of Law 227/2006 regarding prevention and fight against doping in sport, republished with subsequent amendments and additions, " **the provisional suspension of an athlete** based on an adverse analytical finding involving a prohibited substance, except for the specific substances, **is mandatory**, after the review and notification set forth in art. 28 paragraphs (3) and (4)".

Since the steps set forth in Art. 28, para. (3) and (4), namely the review and the notification were made, as proved by the documents in the case file, the Commission had to dispose the sanction of provisional suspension on 18.11.2013.

The athlete was notified again for the Hearing Commission meeting session on 02.12.2013 and he attended it. He admitted that he took a few tablets of a supplement recommended by an acquaintance, but he did not know their name. After their administration the athlete did not feel well and he stopped using them.

Taking into account that the athlete admitted he had used tablets, whose content he did know precisely, the athlete did not request B sample analysis.

The athlete came to the hearing accompanied by the coach Mr. Florea Mircea Mihai and Mr. Apostol Tiberiu, Secretary General, represented Romanian Bodybuilding and Fitness Federation. The coach, Mr. Florea Mircea Mihai stated that he did not know the athlete Cojocari Taut Ionel had used a prohibited substance and he was not consulted by him with regards to the choice of medication or the training for the World Classic Bodybuilding Championship at St. Polten, Austria, held on 15-18 November.

Pursuant to the provisions of article 2, paragraph (2), letter a) of Law 227/2006 regarding prevention and fight against doping in sport, republished with subsequent amendments and additions, the presence of a prohibited substance or its metabolites or markers in the athlete's sample constitutes an anti-doping rules violation.

According to the strict liability principle, the athletes are directly responsible for the presence of any prohibited substance or its metabolites or markers, found in the collected biological samples. Each athlete has the responsibility to ensure that no prohibited substance enters his/her body. Consequently, it is not necessary to establish the intention, the fault, the negligence or the conscious use by the athlete in order to establish an anti-doping rules violation pursuant to article 2, paragraph (2), letter a) of the above-mentioned law, as well as Art. 2.1.1 of the World Anti-Doping Code.

Pursuant to the above-mentioned legal provisions, the evidence of an anti-doping rules violation is represented by one of the following situations: the presence of a prohibited substance or its metabolites or markers in the A sample of an athlete – when the athlete waives his/her right of having the B sample analyzed and therefore

the B sample is not analyzed; or – when the B sample is analyzed and the analysis of the B sample confirms the presence of the prohibited substance or its metabolites or markers detected in the athlete's A sample.

Taking into account the fact that the athlete did not request B sample analysis, because he considered that the analysis result will confirm the A sample result as well as the use of those tablets, the anti-doping rules violation is proven clearly.

For all these reasons, the *Hearing Commission for the athletes and their support personnel who violated the anti-doping rules* after reviewing the documents within the file, the analysis bulletin no. 791/11.11.2013 issued by Bucharest Doping Control Laboratory, the nature of the detected prohibited substance, the refuse to have the B sample analyzed, the fact that he admitted the use of a few tablets, as well as the national and international legal provisions:

## **DECIDES**

The ineligibility of the athlete, affiliated to Cojocari Taut Ioan, affiliated to Univeritatea Cluj Napoca Sport Club, for a period of two (2) years from any national and international competition, pursuant to the provisions of article 38 of Law 227/2006 regarding prevention and fight against doping in sport, republished with subsequent amendments, as the athlete had violated the provisions of article 2, paragraph (2), letters a) and b) of the mentioned law, as the prohibited substance **metenolone** and its metabolite **1-methylen-5 $\alpha$ -androstan-3 $\alpha$ -ol-17-one** was found, while the athlete is strictly responsible for the presence and use of any prohibited substance found in his / her biological sample.

The ineligibility period begins to run from the date of the current decision, thus the period of athlete's ineligibility is: 02.12.2013-17.11.2015. The provisional suspension period established within the Commission meeting on 18.11.2013 was credited against the total period of ineligibility.

The decision shall be communicated to the athlete Cojocari Taut Ioan, the Cluj Napoca University Sport Club where he is affiliated, Romanian Bodybuilding and Fitness Federation, the Ministry of Youth and Sport, Romanian Olympic and

Sport Committee, the International Bodybuilding and Fitness Federation and the World Anti-Doping Agency.

The decision may be appealed to the Appeal Commission beside National Anti-Doping Agency in 21 days since its notification.

Romanian Bodybuilding and Fitness Federation has the obligation to apply the provisions of the current decision and to comply with the legal provisions in force pursuant to the provisions of the articles 37 and 71 of the Law 227/2006.

Pursuant to the provisions of art. 36, paragraph (4) of the Law 227/2006 regarding prevention and fight against doping in sport, republished with subsequent amendments, the above-mentioned institutions are required to maintain confidentiality of the information communicated, until the public disclosure of the case.

**CHAIRMAN OF HEARING COMMISSION**

**IOAN DOBRESCU**