



GUVERNUL ROMÂNIEI
AGENȚIA NAȚIONALĂ ANTI-DOPING

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

To

Ticudean Sorin Gabriel
Romanian Powerlifting Federation
Ministry of Youth and Sport
International Powerlifting 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 Ticudean Sorin Gabriel, sport discipline powerlifting

DECISION

No. 22/02.12.2013

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

Members:

Iulia-Monica ACATRINEI

Valentina ALEXANDRESCU

Doina MELINTE

Cristian SMARANDA

Vlad STOENESCU

Irina TURCU

Graziela Elena VAJIALA

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 Ticudean Sorin Gabriel, residing in Oradea City, Bihor County, 1 Aleea Salca Street, Bl. X1, Appt. 2 holds the followings:

Following the out of competition doping control conducted on 01.11.2013 in Oradea at the sport discipline powerlifting, the analytical result of the athlete’s sample with the code number 6069508A indicated the presence of the prohibited metabolite 17-epitrenbolone, which indicates the administration of the prohibited substance trenbolone, included in the prohibited substance class S1.1.a Exogenous Anabolic Androgenic Steroids.

Although the athlete had been notified legally pursuant to the provisions of article 33 of Law 227/2006 regarding prevention and fight against doping in sport, republished with further amendments and additions, the athlete did not attend the meeting session of the Hearing Commission on 02.12.2013.

The Commission held that the provisions of article 28, paragraph (3) and (4) of the above-mentioned law were complied with, respectively the review and the notification proven by the documents within the file.

The Chairman of the Commission informed the members about the fact that this was not the first anti-doping rules violation committed by this athlete.

By Decision no. 1/14.01.2013, the Hearing Commission decided to sanction the athlete TICUDEAN SORIN GABRIEL with a two (2) years ineligibility period pursuant to the provisions of Art. 38 of Law 227/2006 regarding prevention and fight against doping in sport, republished with further additions as he had been found guilty of violating the provisions of article 2, paragraph (2), letters a) and b) of the mentioned law.

By deliberating on the case herein the Commission holds the followings:

Pursuant to the provisions of art. 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.

It is also hold the fact that the athlete Ticudean Sorin-Gabriel committed now the second anti-doping rules violation as in January 2013 by Decision no. 1/14.01.2013, the Commission decided to sanction the athlete with a two (2) years ineligibility period pursuant to the provisions of article 38 of Law 227/2006 regarding prevention and fight against doping in sport, republished with subsequent amendments, as he had been found guilty of violating the provisions of article 2, paragraph (2), letters a) and b) of the mentioned law.

Pursuant to the provisions of article 41 of Law 227/2006 regarding prevention and fight against doping in sport, republished with subsequent amendments, the sanction for the second anti-doping rules violation is established according to the Appendix to the mentioned law.

Taking into account the fact that the athlete did not attend the meeting session of the Commission, by reviewing the documents within the file, the Commission established the athlete did not submit any request for a postpone, therefore the provisions of article 30 of Order no. 37/2013 regarding the approval of the

Regulation for the organization and functioning of the *Hearing Commission for the athletes and their support personnel who violated the anti-doping rules*, amended by Order no. 414/2013 will be applied („*In case the athlete or the person asserted to have committed an anti-doping rules violation or his/her representative do not attend the meeting session of the Hearing Commission without any justification, the Commission decides in their absence, pursuant to the provisions of the regulation herein*”).

Based on the above-mentioned, the Commission is going to establish a sanction of lifetime ineligibility from sport activity for the athlete, taking into account that there are enough grounds to proceed this way.

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. 790/11.11.2013 issued by Bucharest Doping Control Laboratory, the nature of the detected prohibited substance, Decision no. 1/14.01.2013 of the Hearing Commission, as well as the national and international legal provisions:

DECIDES

The lifetime ineligibility of the athlete Ticudean Sorin Gabriel from any national and international competition, pursuant to the provisions of article 41 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), letter a) of the mentioned law, namely **the presence of a prohibited substance or its metabolites or markers in the biological sample collected from an athlete as he/she is directly responsible for the presence of the prohibited substance detected in his/her collected biological sample.**

The ineligibility period begins to run from the date of the present decision, namely 02.12.2013.

The decision shall be communicated to the athlete Ticudean Sorin Gabriel, Romanian Powerlifting Federation, the Ministry of Youth and Sport, Romanian Olympic and Sport Committee, the International Powerlifting 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 Powerlifting 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 articles 37 and 71 of 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 THE HEARING COMMISSION

Ioan DOBRESCU