

**National Anti-Doping Agency vs. DRAGHICI EMILIAN,
Affiliated with Cluj Napoca Dumii Fitness Sport Club, sport discipline bodybuilding**

Decision

No. 11/30.09.2014

Issued by

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

With the following structure:

Chairperson

Ioan DOBRESU

Members:

Iulia-Monica ACATRINEI

Valentina ALEXANDRESCU

Gabriela ANDREIAȘU

Eugen COIFAN

Doina MELINTE

Cristian SMARANDA

Vlad STOENESCU

Eusebiu SZILAGYI

Irina TURCU

Graziela Elena VÂJIALĂ

Secretary of the Hearing Commission: Gabriela ANDREIAȘU

The Hearing Commission for athletes and their support personnel who violated the anti-doping rules, named hereinafter „the Hearing Commission”, gathered on 30.09.2014, at 10h00, at the official seat of National Anti-Doping Agency in Bucharest, 37-39 Basarabia Boulevard, District 2, pursuant to the provisions of article 33 paragraph 2 of the Law no. 227/2006 regarding prevention and fight against doping in sport, republished, for the hearing of the athlete Draghici Emilian, affiliated with Cluj Napoca Dumii Fitness Sport Club, having the domicile in Sibiu, Calea Dumbavii street, Bl. 19A, Sc. C, et. 1, ap. 32, Sibiu County, holds the following:

As result of the doping control conducted at the National Bodybuilding Championships for seniors, in Cluj Napoca, on 05-06 September 2014, the athlete DRAGHICI EMILIAN refused to submit to doping control after signing the “Notice for doping testing” form. This has been documented by the doping control officers in the “Supplementary Report Form – Comments”, which was also signed by Monica Muresan, Vice-President of the Romanian Bodybuilding and Fitness Federation and the athlete Lungu Alexandru Ionut, as witness.

Therefore, the Hearing Commission met on 30.09.2014, when the athlete has submitted a statement admitting he had used some products that could lead to an adverse analytical result and, for these reasons, he thought it was useless to submit to doping control anymore. He also mentioned that he was affiliated with the Cluj Napoca Dumii Fitness SC by phone on 06.09.2014, the first day of the National Bodybuilding Championships for seniors, which was the first event he was competing in.

The Romanian Bodybuilding and Fitness Federation was represented by the interim General Secretary, Mrs. Monica Niculescu as observer, who mentioned that the athlete was affiliated with the Cluj Napoca Dumii Fitness SC on 05.09.2014, when he also provided a statement accepting to comply with Romanian Bodybuilding and Fitness Federation’s rules and statute and engaging himself in fighting against doping by playing a clean sport, without using prohibited substances. The General Secretary provided

copies of the athlete Draghici Emilian's identification card issued on 05.09.2014, as well as of the above mentioned statement.

The Hearing Commission, by reviewing the documents within the file, the doping control officers' report signed by the athlete, the Vice-President of the Romanian Bodybuilding and Fitness Federation – Monica Muresan and the athlete Lungu Alexandru Ionut, as witness, the statement submitted by the athlete, as well as the relevant national and international legal provisions:

DECIDES

The 2 years ineligibility of the athlete Draghici Emilian, affiliated with Cluj Napoca Dumii Fitness Sport Club, pursuant to the provisions of article 38 of the Law no. 227/2006 regarding prevention and fight against doping in sport, republished as he violated the provisions of article 2 paragraph (2) letter h), namely: ” **Refusing or failing without compelling justification, to submit to Sample collection after notification as authorized in applicable anti-doping rules or otherwise evading Sample collection.** ”

Pursuant to the provisions of article 28 of the Order no. 47/2014 for the approval of the Regulation for organization and operation of the Hearing Commission for the athletes and their support personnel who violated the anti-doping rules, the decision shall be communicated to the athlete Draghici Emilian, the Cluj Napoca Dumii Fitness Sport Club where he is affiliated, the Romanian Bodybuilding and Fitness Federation, the Ministry of Youth and Sport, the Romanian Olympic and Sport Committee, the International Bodybuilding and Fitness Federation and the World Anti-Doping Agency.

The Romanian Bodybuilding and Fitness Federation has the obligation to enforce the provisions of this Decision and to comply with the legal provisions in force, pursuant to the provisions of articles 37 and 68 of the Law no. 227/2006 regarding prevention and fight against doping in sport, republished

According to the provisions of article 36 paragraph (4) of the Law no. 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.

CHAIRPERSON OF HEARING COMMISSION
IOAN DOBRESU