



GUVERNUL ROMÂNIEI

AGENȚIA NAȚIONALĂ ANTI-DOPING

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

To
SIMONA RAULA MAXIM
Steaua Army Sport Club
Romanian Athletics Federation
Ministry of Youth and Sport
International Association of Athletics Federations
Romanian Olympic and Sport Committee
World Anti-Doping Agency

Bucharest, 28.08.2013

Regarding the case of **National Anti-Doping Agency** *versus* the athlete **Simona Raula Maxim**, affiliated to Steaua Army Sport Club,
sport discipline athletics

DECISION

No. 12/28.08.2013

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:

Graziela Elena VAJIALA

Doina MELINTE

Valentina Ionela ALEXANDRESCU

Gabriela ANDREIASU

Iulia-Monica ACATRINEI

Cristian SMARANDA

Vlad STOENESCU

Irina TURCU

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

Summoned on 08.08.2013, 12:00 H, at the National Anti-Doping Agency official seat in Bucharest, 37 – 39 Basarabia Bvd., District 2, for the hearing of the athlete Simona Raula Maxim, affiliated to Steaua Army Sport Club, residing in Zalau, Salaj County, 18 Mihai Viteazu Bvd, Bl. A96, Appt. 19, holds the followings:

Upon the request of the Romanian Athletics Federation, by the letter no. 1899/31.07.2013, and registered by the National Anti-Doping Agency (ANAD) with no. 6757/01.08.2013, ANAD Doping Control Officers team went on 01.08.2013 to Snagov, Baza Noua, to test the athlete Maxim Simona. We mention that she was not found at the mentioned location, while that fact was also documented in the Supplementary report form – comments signed by the doctor, Mr. Osean Vasile, and in the Doping control officers report. Taking into account the facts that: i) president and general secretary of Romanian Athletics Federation (RAF) organized a meeting on 30.07.2013 evening with the athletes and their support personnel and they were noticed regarding the doping testing of athletes pool who will participate at World Championship in Moscow, as well as the fact that they are not able to leave the training camp, ii) the athlete was not found in order to submit the doping testing, leaving the training camp on 01.08.2013, and iii) failing to contact the athlete, on 01.08.2013 after-noon, National Anti-Doping Agency decided to include her in the Registered Testing Pool (RTP). Therefore, ANAD sent to Romanian Athletics Federation, to Steaua Army Sport Club the letter regarding the inclusion in RTP and the athlete signed the letter on 05.08.2013.

On 03.08.2013, following the information received from Steaua Army Sport Club by letter no. A4287/02.08.2013 and registered at ANAD with no. 6782/02.08.2013, informing that the athlete was asked to come-back in the training camp until 03.08.2013, another Doping Control Officers team went to Snagov, Baza Noua, to collect a urine sample from the athlete Maxim Simona. She was not present at the mentioned location this time either, while that fact was also documented in the Supplementary report form - comments signed by Mrs. Adela Alexe, director of the Snagov NSC Sport Complex, and in the Doping control officers report.

On 08.08.2013 the athlete Simona Raula Maxim attended the Hearing Commission meeting session, where she stated that, on 30.07.2013 she left the

Snagov NSC training camp because of some family problems. She stated that, on 31.07.2013 she informed the Romanian Athletics Federation regarding this situation and she spoke by telephone with the president, Mr. Sandu Ion and the secretary general, Mr. Catalin Ganera. The athlete stated that following the telephone conversation with the president of Romanian Athletics Federation, when she explained the nature of her personal problems, the president of the federation asked her to notify him when she returns to training camp. Also the athlete indicates that she was in a rural location, where the mobile operator Orange had no signal. Also on this occasion, she stated that her returning to training camp depended on her mother coming-back from abroad.

Finally, the athlete stated that, on Sunday, 04.08.2013, around 22:00 H, she went to Bucharest, the train arrived on Monday morning, on 05.08.2013 and on this occasion she presented to the National Anti-Doping Agency, accompanied by Mr. Osean Vasile, physician of the national and Olympic pool, in order to submit to the doping control. The Commission took note of the fact that the urine sample will be analyzed for EPO, too.

During the hearing meeting session, the athlete stated that she was not notified that her presence was necessary in the training camp on 01.08.2013, in order to submit to the doping control and also, with this occasion, she stated that she notified that she would return in the training camp in a few days, depending on her mother presence in the country. All these affirmations were also registered in the Minute no. 10/08.08.2013 of the Hearing Commission. This statement is in contradiction with the one given by secretary general, who informed the Commission that on 30.07.2013 the athletes were notified to submit to the doping control before World Championship in Moscow and that they are not allowed to leave the training camp.

At the end of the statement the athlete said that she took note of the fact that starting with 01.08.2013 she was included in the Registered Testing Pool, having the obligation to communicate quarterly, correct and complete information regarding the whereabouts, through ADAMS System.

Also at the Hearing Commission meeting session, on 08.08.2013, separately from the athlete, her coach, Mr. Barbu Augustin was also heard and he stated that he was called by the athlete the next day after she left the training camp, on Wednesday,

31.07.2013, and also on Sunday, 04.08.2013, which contradicted the athlete's statement regarding the fact that she had no access to Orange signal and she was not able to call.

The coach's affirmations were registered in his statement and also in the Minute no. 10/08.08.2013 of the Hearing Commission.

The physician, Osean Vasile, did not show at the Hearing Commission meeting session, motivated by the fact that in that period he joined the athletics pool at the World Championships in Moscow.

The physician Adriana Limona, the representative of the Romanian Athletics Federation, informed the Commission about the fact that the athlete Simona Raula Maxim was disciplinary sanctioned after leaving the athletics pool training camp without the federation management consent.

The *Hearing Commission for athletes and their support personnel who violated the anti-doping rules* summoned on 28.08.2013 was also attended by: the athlete Maxim Simona Raula, her coach Mr. Barbu Augustin, the pool physician Mr. Osean Vasile, and the federation representative Mr. Catalin Ganera – secretary general. President of the Commission raised the discussion about the analysis bulletin no. R13-O4497 of Lausanne Doping Control Laboratory of the urine sample with code number 6044377A, collected on 05.08.2013, which indicated the presence of recombinant Erythropoietin, substance included in class S2 – Peptide Hormones. This result will be managed as a second anti-doping rule violation and the athlete will be notified for another date. Not only the athlete but also the coach, the physician and the secretary general of Romanian Athletics Federation were informed regarding this result.

The athlete did not convince the Hearing Commission that she left the training camp for taking care of her father. Also she stated that she called the president of the federation from home, although she stated at the meeting on 08.08.2013 that in Rastoltu Desert rural location, Agrij village the mobile operator Orange had no signal. Also the athlete stated that during this time, she went to the family doctor of her father, Mrs. Cordea Delia, in Zalau, to get a medical certificate for her father. To verify this statement, ANAD requested to Mrs. Cordea Delia – the doctor, through written letter no. 471/29.08.2013, to specify if the athlete was presented or not at her

office. Upon the written answer of the Mrs. Doctor sent on 30.08.2013, signed and stamped, she showed that the athlete was not present at her office during 31.07.2013-02.08.2013, which is in contradiction with the athlete's statement.

The Hearing Commission took note that Romanian Athletics Federation sent a letter by fax to Steaua Bucharest Army Sport Club which required the athlete to come-back at the training camp on 31.07 or on 01.08 to submit to the doping testing otherwise she won't be able to participate at the World Championship in Moscow.

Following the notification for the meeting dated 28.08.2013 the athlete was asked to prove her travel in Rastoltu Desert rural location, Agrij village by showing the train tickets. The athlete presented only the bus ticket Zalau-Cluj Napoca and the train ticket Cluj Napoca-Bucharest on 04.08.2013. She wasn't able to prove that she left the training camp on 30.07.2013. Also she mentioned that she was picked up by her cousin with a car. The Commission requested to make available the telephone number of her cousin, but the athlete stated that she did not have the telephone with her and she did not know her telephone number.

The pool physician, Mr. Osean Vasile stated that he was informed of the athlete's leaving only on 31.07.2013 after-noon, when the athlete was not present at the recuperation. He was informed by her coach Mr. Barbu Augustin that she left the training camp because of some personal problems and that she announced the federation.

The *Hearing Commission for athletes and their support personnel who violated the anti-doping rules*, after reviewing the documents within the file, the contradictory statements of the athlete Simona Raula Maxim and of her coach, Barbu Augustin, the statement of Mr. Catalin Ganera – secretary general of RAF and the submitted documents, the statement of the physician Mr. Osean Vasile, as well as the fact that the athlete could not demonstrate that she left the training camp on 30.07.2013 evening and also how the substance EPO entered her body, given the fact that it can only be administered by systemic route (injection):

DECIDES

The ineligibility of the athlete Simona Raula Maxim, affiliated to Steaua Army Sport Club from sport activity, for a period of four (4) years, pursuant to the provisions of article 49 (1), letter c), as the athlete violated the provisions of article 2, paragraph (2), letter c) of Law 227/2006 regarding prevention and fight against doping in sport, republished with subsequent amendments.

The ineligibility period begins to run from the date of the current decision, while the provisional suspension period shall be credited against the total period of ineligibility. Thus, the athlete is suspended during the period 28.08.2013-07.08.2017.

The decision shall be communicated to the athlete, Steaua Army Sport Club where the athlete is affiliated, Romanian Athletics Federation, Ministry of Youth and Sport, Romanian Olympic and Sport Committee, International Association of Athletics Federations and World Anti-Doping Agency.

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

Romanian Athletics 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 article 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 DOBRESU