

**National Anti-Doping Agency vs. Ostache George,
Affiliated with Focsani Ulise Sport Club, sport discipline bodybuilding**

Decision

No. 13/21.10.2014

Issued by

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

With the following structure:

Chairperson

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Members:

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Eusebiu SZILAGYI

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 21.10.2014, 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 227/2006 regarding prevention and fight against doping in sport, republished, for the hearing of the athlete OSTACHE GEORGE, affiliated with Focsani Ulise Sport Club, having the domicile in Adjud, Mos Ion Roata street, Bl. 54, Sc. 1, ap. 9, Vrancea County, holds the following:

Following the out of competition doping control conducted in Bucharest, on 06.09.2014, the analytical result of the sample with the code number 6097405A indicated the presence of the prohibited substance clenbuterol, substance included in class S1.2 Other Anabolic Agents of the 2014 Prohibited List.

Therefore, the Hearing Commission gathered on 30.09.2014, the athlete did not show to the meeting session, although he had been legally notified. The Commission made sure if the notification sent him, regarding his attendance at the meeting was sent in time and it took note the fact that the receipt confirmation was not within the case file, for this reason it was decided to postpone the meeting for 21.10.2014.

At this term, the Romanian Bodybuilding and Fitness Federation was represented by the interim General Secretary, Mrs. Monica Niculescu as observer, who mentioned that all procedures regarding the anti-doping training of the athletes and also their testing were carried out, but the athletes were not so interested of these.

On 21.10.2014 the athlete did not show at the hearing meeting, but he sent the request of not being heard via e-mail on 13.10.2014, occasion with that he mentioned the fact that he did not request B sample analysis.

The Romanian Bodybuilding and Fitness Federation was represented by the interim General Secretary, Mrs. Monica Niculescu as observer, who took note of the athlete's statement.

Deliberating on the case herein the Commission holds the followings:

Taking into account the provisions of article 48, paragraph (1) of Law 227/2006 regarding prevention and fight against doping in sport, republished, which states the fact

that the athlete is strictly responsible for the presence in his / her biological sample of any prohibited substance, results that the athlete did not adequate research to inform on the used product.

The Hearing Commission, by reviewing the documents within the file, the analysis bulletin no. 757/19.09.2014 issued by Bucharest Doping Control Laboratory, the nature of the detected prohibited substance, the athlete's statement, as well as the relevant national and international legal provisions:

DECIDES

The ineligibility of the athlete Ostache George, affiliated with Foscani Ulise Sport Club, for a period of two (2) years from sport activity, pursuant to the provisions of article 38 of Law 227/2006 regarding prevention and fight against doping in sport, as the athlete had violated the provisions of article 2, paragraph (2), letter a) of the mentioned law, namely the presence of the prohibited substance clenbuterol, which is included in class S1.2 Other Anabolic Agents of the 2014 Prohibited List.

The ineligibility period begins to run from the date of the current decision, thus the period of athlete's ineligibility is: 21.10.2014-20.10.2016.

Pursuant to the provisions of art. 45 of the mentioned law, during the ineligibility period, the athlete has the obligation to submit her whereabouts information to the Agency. Aiming to reintegrate in sport activity, during the ineligibility period, the athlete has to undergo to four (4) no advance notice doping testing, one of them at the moment when the sport activity is started again. When the athlete firstly retires from sport activity during the ineligibility period and then he requests to be reintegrated in sport activity, he won't be reintegrated until he informs the Agency and no advance notice doping testing is performed during a period of time equal to the ineligibility period remained when he retired.

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 Ostache George, the Focsani Ulise 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 227/2006 regarding prevention and fight against doping in sport, republished

According 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.

CHAIRPERSON OF HEARING COMMISSION

IOAN DOBRESU