

**National Anti-Doping Agency vs. CAPRARU ELENA MADALINA,  
Affiliated with Lulu's Gym S.C., sport discipline - bodybuilding**

**DECISION**

**NO. 16/28.10.2014**

**Issued by**

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

**With the following structure:**

**Chairperson**

Doina MELINTE

**Members:**

Iulia-Monica ACATRINEI

Valentina ALEXANDRESCU

Gabriela ANDREIAȘU

Eugen COIFAN

Cristian SMARANDA

Vlad STOENESCU

Eusebiu SZILAGYI

Graziela ELENA VAJIALĂ

**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 28.10.2014, at 10h00, at the official seat of National Anti-Doping Agency in Bucharest, 37-39 Basarabia Boulevard, District 2, in compliance with 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 Capraru Elena Madalina, affiliated with Lulu’s Gym S.C., sport discipline – bodybuilding, having the domicile in Galati, 2 Galati Boulevard, bl.A13A, Sc. 1, ap. 23, Galati County, holds the following:

As result of the doping control conducted at the National Bodybuilding Championship held in Cluj Napoca, on 28.09.2014, the analytical result of the athlete Capraru Elena Madalina’s sample with the code number 6117434A revealed the presence of the prohibited substance  $17\beta$ -HYDROXYMETHYL- $17\alpha$  –METHYL-18 NORANDROSTA-1,4,13-TRIEN-3ONE, indicating the use of the prohibited substance methandienone, included in Section S1.1.A Endogenous androgenic anabolic steroids of the 2014 Prohibited List.

Pursuant to the provisions of article 28 paragraph 5 of the Law no. 227/2006 regarding prevention and fight against doping in sport republished, the Agency examined if a therapeutic use exemptions was granted or a violation of the International Standard for Laboratories or the International Standard for Testing occurred, which could invalidate the analytical result.

Therefore, the Hearing Commission met on 28.10.2014; on this occasion, the athlete declared her affiliation to Dacia Galati S.C. at the sport discipline – tennis and to Lulu’s Gym S.C. at sport discipline – bodybuilding. Furthermore, she stated that on 30.08.2014, her coach – Mr. Laurentiu Basarab gave her a “small pink pill” with the aim of improving her performance, without mentioning the name of the pill. Her opinion on the pill’s side effects has been confirmed by the fact that the coach Laurentiu Basarab was also taking these pills. The athlete stated she didn't ask him

which is the active substance in this pill or if it is prohibited, but instead she asked him where to buy these pills from so that to avoid demanding him the pills in the future. Laurentiu Basarab told her that he took them from the Republic of Moldova and she has to ask him directly for the pills if she would like to take them again.

Due to the fact that she is minor, the athlete was accompanied at the Hearing Commission meeting by her mother, Guzga Valentina, by her tennis coach from Dacia Galati S.C., Mr. Laurentiu Basarab and by her bodybuilding coach from Lulu's Gym S.C., Mr. Berbec Aurel.

Mr. Basarab Laurențiu stated that he trains the athlete willingly without having signed any contract with Dacia Galati S.C. where the athlete is affiliated and he is her tennis coach. He admitted the fact that he gave to athlete **DANABOL** from Pharmaceutical Balkan, in a concentration of 50mg.

Mr. Berbec Aurel declared he was always recommending the athlete what supplements to take and to be careful what she takes, and to be aware of the anti-doping rules.

The Romania Bodybuilding and Fitness Federation was represented by the ad interim general secretary, Mrs. Monica Nicolaescu, as observer.

**While deliberating over the case, the Commission holds the following:**

Taking into account the provisions of article 48 paragraph (1) of the Law no. 227/2006 regarding the prevention and fight against doping in sport, republished, which stipulates that the athlete is fully responsible for the presence of any prohibited substance in his biological sample, it results that the athlete didn't do all she could in order to get information regarding the pill she received.

Pursuant to the provisions of article 2 paragraph 2 letter a) of the Law no. 227/2006 regarding the prevention and fight against doping in sport, republished, the presence of a prohibited substance or its metabolites or markers in an athlete's biological sample, as well as the use or attempted use by an athlete of a prohibited substance or a prohibited method represent anti-doping rules violation. According to

the strict liability principle, the athlete is fully responsible for the presence of any prohibited substance or its metabolites or markers in the biological samples collected. It is each athlete's duty to make sure that no substance enters his/her body. Therefore, having in mind the provisions of article 48, *the athlete is strictly responsible for the presence in his / her biological sample of any prohibited substance or its metabolites or markers and there's no need to establish the intention or fault to determine an anti-doping rules violation* pursuant to article 2 paragraph 2 letter a) of the above mentioned law, and article 2.1.1 of the World Anti-Doping Code.

The proof of an anti-doping rule violation is represented by one of the following situations: the presence of a prohibited substance or its metabolites or markers in an athlete's A sample, when the athlete does not request the B sample analysis, or when the B sample analysis confirms the presence of a prohibited substance or its metabolites or markers found in the athlete's A sample.

*The Hearing Commission*, by reviewing the documents within the file, the bulletins of analysis no. 839/14.10.2014, issued by the Doping Control Laboratory in Bucharest, the nature of prohibited substance detected in her sample, the fact that the athlete took the pill with the purpose to enhance her sport performance, the fact that the coach Laurentiu Basarab admitted he gave the athlete the pill Danabol, which contains a substance included on the Prohibited List, the fact that the athlete didn't ask for B sample analysis, as well as the relevant national and international legal provisions:

## **DECIDES**

The ineligibility of the athlete Capraru Elena Madalina affiliated with Lulu's Gym S.C. at bodybuilding and with Dacia Galati S.C. at tennis, for a period of two (2) years, pursuant to the provisions of article 38 of the Law no. 227/2006 regarding the prevention and fight against doping in sport, republished, a the athlete had

violated the provisions of article 2 paragraph (2) letter a) of the above mentioned law, namely the use of the prohibited substance 17 $\beta$ -HYDROXYMETHYL-17 $\alpha$  – METHYL-18 NORANDROSTA-1,4,13-TRIEN-3ONE, included in section S1.1.a Exogenous anabolic androgenic steroids of the 2014 Prohibited List, indicating the administration of the prohibited substance methandienone .

The ineligibility period begins to run from the date of the current decision, and thus the period of the athlete's ineligibility is: 28.10.2014-27.10.2016.

Pursuant to the provisions of Article 60, paragraph (1) of the Law 227/2006 regarding prevention and fight against doping in sport, republished, the decision may be appealed to the Appeal Commission beside the National Anti-Doping Agency in 21 days since its notification.

Pursuant to the provisions of Article 45 of the Law no. 227/2006 regarding prevention and fight against doping in sport, republished, during the ineligibility period, the athlete has the obligation to submit his whereabouts information to the Agency.

Aiming to be reintegrated in sport activity, during the ineligibility period the athlete must undergo four (4) no advance notice doping testing, one of the doping testing at the moment when the sport activity is resumed.

When the athlete firstly retires from sport activity during the ineligibility period and then he/she requests to be reintegrated in sport activity, he/she will not be reintegrated until he/she informs the Agency and no advance notice doping testing is performed during a period of time equal to the ineligibility period remained when he/she retired.

Pursuant to Article 28 of Order no. 37/2013 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 Capraru Elena Madalina, Lulu's Gym S.C. and Dacia Galati S.C. where she 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 the prevention and fight against doping in sport, republished.

Pursuant to the provisions of Article 36 paragraph (4) of the Law no. 227/2006 regarding the prevention and fight against doping in sport, republished, 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 DOBRESCU**