

**National Anti-Doping Agency vs. Iancu Florina Iuliana**

**DECISION**

**No. 3/22.07.2015**

**Issued by**

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

**PANEL:**

**Chairperson**

Ioan DOBRESCU

**Members:**

Iulia-Monica ACATRINEI

Valentina ALEXANDRESCU

Gabriela ANDREIAȘU

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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 22.07.2015, at 10<sup>00</sup>, 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 of the Law no. 227/2006 regarding prevention and fight against doping in sport, republished, with subsequent amendments and completions, for establishing a decision regarding the anti-doping rule violation committed by the athlete Iancu Florina Iuliana, affiliated with University Sport Club of Cluj Napoca, at sport discipline – bodybuilding and fitness, having the domicile in Cluj Napoca, 6 Gorunului Street, bl. C3, sc.2, ap. 19.

As result of the out-of-competition doping control conducted in Bucharest, on 09.04.2015, your sample with the code number 6097666A, revealed the presence of the metabolites 4 Chlor-17-hydroxymethyl-17 methyl-18 nor-5 $\beta$ -androst-13en - 3ol and 4 Chlor-17-hydroxymethyl-17methyl-18 nor-5 $\beta$ -androsta-1,13-dien-3-ol, which indicates the administration of the prohibited substances - Dehydrochlormethyltestosterone, a non-specified substance included in Section S1.1.a – Exogenous Androgenic Anabolic Steroids.

Following the reviews conducted as provided in Article 28 paragraph (3) of the Law no. 227/2006 regarding prevention and fight against doping in sport, republished with subsequent amendments and completions, the Agency established that no therapeutic use exemption has been granted for the substances detected in your sample and there is no apparent departure from the International Standard for Testing and Investigations or the International Standard for Laboratories to invalidate the adverse analytical finding.

As provided in Article 2 paragraph (2) letter a) of the Law no. 227/2006 regarding prevention and fight against doping in sport, republished, the presence of a prohibited substance or its metabolites or markers in a biological sample of an athlete represents an anti-doping rule violation.

Through the notification no. 1787/06.05.2015, the Agency notified the athlete Iancu Florina Iuliana, Romanian Bodybuilding and Fitness Federation, Romanian Olympic and Sport Committee, University Sport Club of Cluj Napoca, Ministry of Youth and Sport and International Bodybuilding and Fitness Federation of the following information:

- The athlete's provisional suspension from sport activity, in compliance with Article 35<sup>1</sup> paragraph (1) of the Law no. 227/2006 regarding prevention and fight against doping in sport, republished with subsequent amendments and completions.

- The athlete's right to request, in written, for B sample analysis, within 48 hours from the notification receipt, as provided in Article 28 of the Law no. 227/2006 regarding prevention and fight against doping in sport, republished with subsequent amendments and completions.
- When the athlete promptly admits the anti-doping rule violation after receiving the notification from the Agency and she doesn't challenge the accusation, the athlete is bound to remit to the Agency a written statement, within 10 days from the notification receipt.
- The athlete's right to waive the hearing, expressly, through a written notification remitted to the Agency, within maximum 10 days from the notification receipt, stating her point of view regarding the alleged anti-doping rule violation.
- In case she intends to provide substantial assistance in discovering and/or establishing an anti-doping rule violation set forth in Article 2 paragraph 2 of the Law no. 227/2006 regarding prevention and fight against doping in sport, republished with subsequent amendments and completions, committed by other person, a part of the ineligibility period may be suspended up to three quarters of the otherwise applicable period of ineligibility, with the approval of WADA and the relevant international federation.

Following this notification, the athlete remitted her answer by e-mail, on 09.05.2015, admitting the use of some substances in January and waiving both the hearing and the B sample analysis.

After receiving the athlete's answer, the Agency submitted a notification to the Hearing Commission, asking the Commission to gather for the athlete's hearing.

Taking into account the nature of the prohibited substance detected, respectively a non-specified substance, the athlete was informed that, as provided in Article 35<sup>1</sup> paragraph (1) of the Law no. 227/2006 regarding prevention and fight against doping in sport, republished with subsequent amendments and completions, she is provisionally suspended from the moment of the notification receipt. After reviewing the communication evidences, it resulted that the athlete received the notification on 08.05.2015 and, therefore, the provisional suspension began to run from that date.

The Hearing Commission gathered on 20.05.2015; the athlete was present at the meeting and she admitted the use of Dehydrochlormethyltestosterone following the advice of a friend, for hormonal and physical stabilization. Moreover, the athlete stated she didn't

seek advice from a physician or the coach of the sport club she is affiliated with. She also mentioned that she agreed to submit to the doping control conducted at the Balkan Championships from Reghin, on 02.05.2015.

The Commission held the fact that the athlete was submitted to doping control on 02.05.2015, and the analytical certificate has not been issued yet.

Therefore, the Commission established a sanction of 4 years ineligibility for the athlete, in compliance with the provisions of Article 38 letter a), given the fact that the violation involves a non-specified substance.

On 22.05.2015, Doping Control Laboratory issued the analytical certificate no. 359/22.05.2015 for this sample, which revealed the presence of the metabolite 4 Chlor-17-hydroxymethyl-17 methyl-18 nor-5 $\beta$ -androst-13 en - 3 ol in the sample with the code number 3858147A, indicating the administration of the prohibited substance Dehydrochlormethyltestosterone, a non-specified substance included in Section S1.1.a – Exogenous Anabolic Androgenic Steroids.

At this date, the Commission had not communicated yet the athlete's sanctioning decision.

Through the notification no. 396/02.06.2015, the athlete Iancu Florina Iuliana was informed regarding the analytical result and her rights, as presented also in the notification no. 1787/06.05.2015.

The athlete sent an e-mail on June 17, 2015, stating she doesn't see the necessity of another hearing regarding the result from Reghin. "*There is no point in coming again and telling the same story. I have nothing new to say*", stated the athlete Iancu Iuliana Florina.

As provided in Article 38 of the Law no. 227/2006 regarding prevention and fight against doping in sport, republished with subsequent amendments and completions, the violations set forth in Article 2 paragraph 2 letters a) and b) involving a non-specified substance shall be sanctioned with 4 years ineligibility.

Taking into account that the athlete committed the second anti-doping rule violation (on 02.05.2015) before receiving the notification of the first anti-doping rule violation (on 06.05.2015), the Commission shall establish an additional sanction, based on the sanction that could be applied if both anti-doping rule violations would be ruled at the same time, as provided in Article 28 of the Law no. 227/2006 regarding prevention and fight against doping in sport, republished with subsequent amendments and completions, which

complies with Article 7 of the World Anti-Doping Code, and only after giving a decision for the first anti-doping rule violation.

**In deliberating on the case in question, the Commission holds the following:**

Pursuant to the provisions of Article 2 paragraph (2) letters a) and b) of the Law no. 227/2006 regarding prevention and fight against doping in sport, republished with subsequent amendments and completions, 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 of a prohibited substances or method represent anti-doping rules violations.

According to the principle of strict liability, the athletes or other persons are responsible for knowing what an anti-doping rule violation is, as well as the prohibited substances and methods included in the Prohibited List.

It is each athlete's duty to make sure that no prohibited substance enters his/her body. The athletes are directly responsible for the presence of any prohibited substance or its metabolites or markers detected in their biological samples. Therefore, there is no need to prove the intention, fault, negligence or conscious use by the athlete to establish an anti-doping rule violation, in compliance with Article 2 paragraph (2) letter a) of the above mentioned Law and Article 2.1 of the World Anti-Doping Code.

An anti-doping rule violation shall be proven when one of the following situation is established: the presence of a prohibited substance or its metabolites or markers in the A sample of an athlete, when the athlete doesn't ask for B sample analysis and the B sample is not analyzed, or, when B sample is analyzed and the result confirms the presence of the prohibited substance or its metabolites or markers detected in the A sample of the athlete.

*The Hearing Commission*, by reviewing the documents in the file, the analytical certificates no. 251/04.05.2015 and 359/22.05.2015 issued by the Doping Control Laboratory in Bucharest and taking into account the nature of the metabolites detected in the athlete's samples, which are included in the category of non-specified substances, her statements, the fact that she didn't ask for the analysis of B sample and admitted the allegations against her as result of the presence of the substances detected by the Laboratory in her urine sample following the use of androgenic anabolic steroids, as well as the relevant national and international legal provisions:

**DECIDES**

4 years ineligibility of the athlete Iancu Iuliana Florina, affiliated with University Sport Club of Cluj Napoca, pursuant to the provisions of Article 48 paragraph (4) of the Law no. 227/2006 regarding prevention and fight against doping in sport, republished with subsequent amendments and completions, as she violated the provisions of Article 2 paragraph (2) letters a) and b) of the above mentioned Law, namely the presence of the metabolites 4 Chlor-17-hydroxymethyl-17methyl-18 nor-5 $\beta$ -androst-13 en- 3ol and 4 Chlor-17-hydroxymethyl-17methyl-18nor-5 $\beta$ -androsta-1,13-dien-3-ol, which indicates the use of Dehydrochlormethyltestosterone.

The ineligibility period begins to run from the date of the sanctioning decision, respectively 22.07.2015, as provided in Article 41 paragraph (1) of the of the Law no. 227/2006 regarding prevention and fight against doping in sport, republished with subsequent amendments and completions, while the provisional suspension period shall be credited against the total period of ineligibility, as provided in Article 41 paragraph (6) of the above mentioned Law. As the athlete's provisional suspension was established on 08.05.2015, the period of the athlete's ineligibility shall be from 22.07.2015 to 07.05.2019.

Pursuant to the provisions of Article 42 paragraph (4) of the above mentioned Law, during the ineligibility period, the athlete is bound to remain available for testing and to submit her whereabouts information to the Agency.

As provided in Article 50 paragraph (1), the Decision may be appealed to the Appeal Commission beside National Anti-Doping Agency within 21 days from its notification.

Pursuant to Article 28 of the Disposition no. 47/2014 issued by the President of National Anti-Doping Agency 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 Iancu Florina Iuliana, University Sport Club of Cluj Napoca 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 is bound to enforce the current Decision. Thus, pursuant to Article 37, *“(1) Any anti-doping rule violation set forth in art. 2, paragraph (2) committed by the Athlete during or in connection with a competition and/or sport event, proven in conformity with the procedure stipulated by the present law, leads to disqualification, invalidation of all of the Athlete's individual results obtained in that competition and forfeiture of all medals, points and prizes.*

*(2) Further to the automatic invalidation of the results obtained in the competition where the positive sample was collected, by virtue of paragraph (1), all the other results obtained effective the date of sample collection or of another anti-doping rule violation shall be invalidated with all the consequences incurred thereof including forfeiture of all medals, points and prizes.”*

According to the provisions of Article 52<sup>3</sup> of the Law no. 227/2006 regarding prevention and fight against doping in sport, republished with subsequent amendments and completions, *“(1) Enforcing the sanctions against the athletes or athletes’ support personnel constitutes a responsibility of the federations, clubs and leagues and to this effect shall comply with the provisions of the present law and the applicable international regulations in force.*

*(2) Failure by the federations, clubs, leagues or the Federation for School and University Sports to comply with the provisions set forth in paragraph (1), unless article 52<sup>4</sup> para (1) applies, constitutes contravention and it is sanctioned with a fine ranging from 5,000 RON to 30,000 RON, withdrawal of any financial support from the state budget, provisional suspension of the Sports Identity Certificate or removal from the Sports Register.”*

As provided in Article 36 paragraph (2) of the Law no. 227/2006 regarding prevention and fight against doping in sport, republished, the Agency shall disclose the Decision within 20 days following the date of the Decision ruled in compliance with Article 33 paragraph (2) letter i).

## **CHAIRPERSON OF THE HEARING COMMISSION**

**IOAN DOBRESCU**