



WORLD BOXING ASSOCIATION

GILBERTO MENDOZA

President

Resolution No. 201411211712
WBA Championships Committee
Heavyweight Division
November 21, 2014

I. BACKGROUND

On June 3, 2014, the WBA Championship Committee issued Resolution No. 201406031712 directing the leading available contenders in the division to participate in a box-off to determine the champion and official contender for the Super Champion, Wladimir Klitschko (“Klitschko”). The two highest rated boxers in the division, Ruslan Chagaev (“Chagaev”) and Fres Oquendo (“Oquendo”), were directed to begin negotiations for a bout to fill the vacant heavyweight title. Chagaev and Oquendo agreed to terms and the bout was scheduled for July 6, 2014 in Grozny, Russia.

The bout contracts negotiated by the parties provided for the Russian Anti-Doping Agency (“RUSADA”) (the Russian Commission’s approved agency) to test for prohibited substances.

On July 6, 2014, Chagaev won a closely fought split decision over Oquendo. After the bout, the boxers submitted to testing per the terms negotiated prior to the bout. Thereafter, RUSADA advised the WBA that Oquendo tested positive for prohibited substances, tamoxifen and anastrozole. Both substances are used in conjunction with estrogen and other steroid use.

On multiple occasions thereafter, Oquendo and his representatives were made aware of said positive test and given the opportunity to have the second sample tested pursuant to the WBA’s rules and policies. Oquendo and his representatives declined claiming that the whole process was tainted and that RUSADA could not be trusted.

On October 31, 2014, WBA’s counsel wrote to Oquendo and his representatives advising that Oquendo’s request to protest his loss to Chagaev was untimely. Oquendo’s first written communication purportedly challenging the decision was dated August 6, 2014 from Mr. Wirt. The required fee was not paid at that time or since. The August 6, 2014 communication was thirty (30) days after the bout; therefore, not within the applicable ten (10) day timeframe to file a protest under WBA rules. Consequently, the matter was untimely and the WBA elected not to revisit the decision of the judges.

Oquendo also demanded the WBA enforce the purported rematch clause in the bout contract with Chagaev. The WBA declined to do so per WBA Rule C.25 which confirms that rematch clauses are not binding on the WBA. Additionally, Oquendo had tested positive, thus the WBA took no further action on the matter.

With regard to Oquendo's positive test for banned substances on the night of the fight, Oquendo challenges the findings of RUSADA, including the testing and sampling procedures. Considering that Oquendo apparently agreed to RUSADA testing prior to the bout, Oquendo waiting to raise the issue until after an adverse bout decision and after the positive test finding, is questionable. In any event, per applicable WBA rules, the remedy for a boxer challenging a positive test is for the B sample to be tested, either by the same laboratory, or for the sample to be shipped to another WADA accredited laboratory for testing. Although the WBA offered to facilitate testing of the second sample by the Swiss laboratory, Oquendo elected not to do so by failing to submit the deposit necessary to cover the cost of transporting and testing the second sample by the November 7, 2014 deadline. Therefore, Oquendo waived his opportunity to challenge the findings of the A sample and was notified that a minimum six (6) month suspension was likely. (Although Oquendo may have taken a voluntary prohibited substances test after returning to the United States, this subsequent sample and test were not official and cannot be considered).

II. ANALYSIS

A. Boxers, their representatives, and promoters are obligated to "know and be familiar with all Association rules." WBA Rule C.14.

B. No boxer who has tested positive for a prohibited substance can be rated, retain a title, or be permitted to participate in a sanctioned bout for no less than six (6) months from the date of the positive test. WBA Rule C.45.

C. The WBA rules and medical guidelines adopt the prohibited substances list as identified by the International Olympic Committee ("IOC"), WBA Rule E.24. The IOC has adopted the prohibited list published by WADA. Tamoxifen and anastrozole are on the prohibited substance list and are used in conjunction with or to recover from estrogen, human growth hormone, or steroid use.

D. For purposes of collecting and testing the boxers' samples, RUSADA was the agency agreed to by the boxers, and approved by the local commission.

III. DECISION

A. Based upon the above-mentioned Rules, which Oquendo is presumed to know, the WBA has express authority and discretion to interpret and apply its rules and guidelines in the best interests of boxing and the WBA.

B. Due to Oquendo's positive test for a prohibited substance, he is suspended for six (6) months, which shall end December 6, 2014.

C. Any interested party may request reconsideration of this decision per WBA Rule F.5.

Date: 11/21/2014



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Championship Committee Chairman