

**WBO WORLD CHAMPIONSHIP
COMMITTEE RESOLUTION**



In the Matter of WBO Jr. Middleweight Champion Sebastian Fundora

Parties:

Mr. Sampson Lewkowicz

Promoter

On behalf of WBO Jr. Middleweight Champion, Sebastian Fundora

ISSUE PRESENTED

Whether Sebastian Fundora’s injury and recovery time warrants and justifies declaring the WBO Jr. Middleweight Championship “Vacant”. Having considered the circumstances and particularities of the instant case, we respond in the negative and explain accordingly.

STATEMENT OF FACTS

On March 30, 2024, Sebastian Fundora won the WBO Jr. Middleweight Championship defeating Tim Tszyu via split decision (SD); the official bout scores rendered were 116-112 for Tszyu, 113-115 for Fundora, and 116-112 for Fundora. The bout in question was held at the T-Mobile Arena in Las Vegas, Nevada.

After the conclusion of the Tszyu/Fundora bout, reports confirmed that Fundora had suffered a nose injury that would require medical attention and significant recovery time prior to returning to active competition. In support of the foregoing, the Nevada State Athletic Commission issued a suspension on the referenced fighter until September 27, 2024.

Accordingly, this Committee issued a medical interim certification notice letter to Team Fundora requesting a detailed medical report pertaining to the alleged injury and prognosis, including a time frame whereby Fundora would be medically cleared, available, ready, willing, and able to defend his WBO Jr. Middleweight title. On April 11, 2024, Tom Brown, on behalf of TGB Promotions submitted via email to the WBO a medical certification in compliance with our order. Although the findings of the medical report are confidential, it was confirmed that Fundora would be unable to train approximately until September 2024.

Therefore, having this Committee reviewed the facts mentioned herein; having considered the circumstances in the instant case, and having examined the WBO Regulations of World Championship Contests their applicability, and enforcement in this matter, and having the authority conferred by our rules, it is hereby determined as follows:

APPLICABLE PROVISIONS

All parties agree that they are bound by the WBO Regulations of World Championship Contests. Section 35(f) provides in relevant: *“These Regulations apply to all WBO Participants. The term WBO Participant includes, but not limited to, WBO World Champions and WBO World Championship Contenders. All WBO Participants who participate in any WBO sanctioned activity do so on the express condition that such WBO*

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Participant is bound by and subject to these WBO World Championship Rules and all WBO Rules and Regulations". [Emphasis Added]. As such, this Committee has jurisdiction and the authority conferred by its rules to resolve the matter at issue accordingly.

The WBO World Championship Committee's authority to consider the issue at hand is governed under Sections 1 (b) and (19) (f), (g), and (h), respectively of the WBO Rules and Regulations of World Championship Contests, which provide, in relevant as follows:

SECTION 1. WORLD CHAMPIONSHIP COMMITTEE

(b) The World Championship Committee shall have the following powers and discretion:

(1) To determine the format and venue for making any determination that is the subject of the WBO World Championship Rules;

(14) To determine whether a Champion is entitled to a disability extension to make a Mandatory Challenge and the terms and conditions for such disability extension

(19) To determine if an Interim Championship is warranted and to sanction an Interim Championship bout;

(22) To make or recommend exceptions or variations from the rules as the World Championship Committee determines are necessary; and,

SECTION 19. FAILURE OF THE CHAMPION TO COMPLY WITH THE TERMS OF A WORLD CHAMPIONSHIP CONTRACT OR THE WORLD CHAMPIONSHIP RULES

In relevant, subsections (f), (g), and (h), provide as follows:

(f) If the Champion is unable to defend his championship within the time periods provided in these rules because he is physically disabled for a justified cause and said disability has been verified and accepted by the Championship Committee, the Champion may be granted a reasonable time to recover from the disability and retrain to competitive condition, which shall not in total exceed 180 days. The disability extension will be granted only if the Championship Committee determines that based on competent medical advice that the Champion is reasonably expected to recover from his disability within the maximum allowable term of the disability extension. The Championship Committee may condition its approval of a disability extension upon the Champion providing an interim medical certification that he is reasonably expected to recover within the term of his disability extension.

(g) A disability extension shall be approved only by the vote of the Championship Committee. If the Champion's recovery time exceeds the maximum term of the disability extension, or if upon receipt of an interim medical certification the Championship Committee determines that the Champion is not reasonably likely to recover and be prepared to defend his championship within the term of the disability extension, the title shall be

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declared vacant and a vacant or interim championship fight or fights such as a box off as the case may be shall be held for the title pursuant to the provisions of these regulations of world championships contests.

(h) The Championship Committee may order an interim championship bout or bouts when the champion is incapacitated, inactive, or when a champion is moving out of his division to fight for another championship. In this case, the interim champion must defend his interim title against the Champion if the Champion who vacated his title due to disability is medically able to and prepared to compete for the Championship within 180 days of the interim championship. If an interim championship is held due to the Champion's inactivity, the Champion must defend his title against the Interim Champion within 120 days of the interim championship or the Interim Champion shall become the Champion.

ANALYSIS

We begin our *ratio decidendi* referencing an excerpt of the WBO preamble¹, which states in relevant “...*The World Boxing Organization’s Regulations of World Championship Contests are intended to reconcile the interests of all necessary elements of World Championship Boxing in a manner that is in the best interests of the sport. The most important interests are those of the Championship contestants themselves and their worldwide fans...*”

The issue in the instant case requires considering numerous factors, including but not limited to (i) Fundora’s injury and recovery time; (ii) whether the recovery time exceeds the term provided in our governing regulations; (iii) Fundora’s suspension issued by the Nevada State Athletic Commission; (iv) our policy of keeping constant activity per weight divisions; and (v) the rights and interests of other WBO participants seeking world title opportunity in the division in question.

As to the first factor, this Committee has confirmed Fundora’ injury and consequently, his unavailability to compete and defend his WBO Jr. Middleweight Championship as ordered. The second issue before this Committee relates to the reported recovery time as per the medical certification (160 days) provided by Team Fundora. Such a period is within the prescribed term outlined in our governing regulations. Regarding the third factor for consideration, this Committee grants full faith and credit to the suspension issued on Fundora by the Nevada State Athletic Commission (NSAC), which extends until September 2024.¹

The fourth and fifth factors under consideration are regarding the WBO’s policy of continued boxing activity per each weight category. In the Jr. Middleweight Division, a negotiation order to discharge the mandatory was issued, however in light of Fundora’s incapacitation, this Committee by virtue of this ruling, has taken

¹ Under the assumption that Sebastian Fundora returns to active training on or about September 2024, due to his NSAC suspension, an extension of his disability period to defend his WBO Jr. Middleweight Champion is not unreasonable or excessive based on the particularities of this case.

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affirmative action to enforce said policy which safeguards the rights and interests of other WBO participants seeking world title opportunity.

Having Team Fundora satisfied the Committee's order and having the Committee verify and accepted the medical certification provided thereto, we believe that a disability extension shall be granted because the WBO Champion (Fundora) is expected to recover within a reasonable time.

In other words, the totality of the facts and circumstances surrounding this case does not move this Committee's discretion to strip Fundora of his WBO Jr. Middleweight Championship. The established disability period referenced in the relevant provision shall not be construed as a simple mathematical exercise but rather a case-by-case analysis considering the particularities in the case before the Committee. Ruling otherwise would be implementing a straitjacket approach even more so when the Fundora/Tszyu bout was characterized by the boxing community as an extremely hard-fought and grueling world championship contest whereby both contestants suffered significant injuries as a result of the bout. Notwithstanding the foregoing, the disability extension shall be granted subject to specific conditions, including but not limited to Fundora discharging his mandatory defense obligations upon returning to active competition and compliance with all conditions set forth herein and all further rulings rendered by this Committee. Failure to do so will result in the WBO proceeding per its governing rules and regulations.

Therefore, based on the circumstances and particularities of this case, and in the best interests of boxing and the WBO's Jr. Middleweight Division, an Interim Championship is warranted and justified. However, we must stress that under WBO policy, the sanction approval of interim championship bouts is only determined strictly under exceptional circumstances.² Lastly, today's ruling shall not be construed as a precedent rather a case-by-case analysis considering all the relevant facts, circumstances, and particularities of this case.

DECISION - WBO WORLD CHAMPIONSHIP COMMITTEE

Having carefully reviewed and appraised the facts and particularities stated herein, having reviewed the relevant provisions, and having examined our governing rules and regulations, this Committee resolves as follows:

1. The WBO Championship Committee hereby rules as follows:
 - a. Sebastian Fundora retains his status as WBO World Jr. Middleweight Champion.

² The World Boxing Organization does not recognize secondary title holders or other similar designations (e.g., Regular, Champion in Recess, etc.), but only one legitimate world champion per weight division.

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b. Sebastian Fundora must defend his WBO Jr. Middleweight Championship against the WBO Interim Champion no later than December 31, 2024. Failure to comply with this condition will result in the WBO Jr. Middleweight Championship being declared vacant “Ipso Facto” and the WBO Interim Champion be elevated to “Full Champion” status automatically.

c. If Sebastian Fundora is unavailable for whatever reasons and/or circumstances to fight the WBO Interim Champion within the period stated herein (no later than December 31, 2024), the WBO Jr. Middleweight Championship shall be declared vacant “Ipso Facto” and the WBO Interim Champion be elevated to “Full Champion” status.

2. The Committee reserves its right to issue all further rulings and determinations necessary, helpful, and convenient to accomplish the purposes, policies, and intent of the WBO Rules and Regulations, including

but not limited to serving the best interests of boxing, the World Boxing Organization (WBO), and its Jr. Middleweight Division.

This is a final decision of the WBO Championship Committee. The affected WBO participant may appeal such determination to the Complaint and Grievance Committee as per Rule 34, which as per Article 3(e) of the

WBO Appeals Regulation must be submitted in writing to the WBO President within fourteen (14) days of this decision as its sole and exclusive remedy.

Dated: April 22, 2024
San Juan, Puerto Rico

WBO CHAMPIONSHIP COMMITTEE

By: Luis Batista Salas, Esq.

Chairman/Championship Committee

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Cc: Francisco "Paco" Valcárcel, Esq./WBO President
Tom Brown/TGB Promotions