



AIBA DISCIPLINARY COMMITTEE

AIBA vs. Alex Arturo Gonzalez Gutierrez

Disciplinary Case No. 2021/02

DECISION

31 August 2021

Disciplinary Panel for this Proceeding:

Chairman -- Francois Strydom, South Africa

Member -- Glenn Feldman, USA

Member -- Alexandra Monkhouse, Canada

I. Introduction

This is the second disciplinary proceeding conducted in terms of the new AIBA Procedural Rules, adopted by the AIBA Board of Directors on 8 April 2021. The new Procedural Rules provide for a central role to be fulfilled by the AIBA Integrity Officer who has the power *inter alia* to investigate and prosecute any alleged violation of the Disciplinary Code before the Disciplinary Committee ("the DC").

In the present proceeding, the appointed Integrity Officer is Mr. Yury Zaytsev, an attorney of the legal firm SILA International Lawyers in Moscow, Russia. The Integrity Officer acts as the accusing party.

The accused party in this proceeding is Mr. Alex Arturo Gonzalez Gutierrez from Ecuador, a Director of AIBA and the president of the Ecuadorian Boxing Federation.

The matter relates to an appointment which took place in Guadalajara, Mexico at the AMBC Youth Boxing Qualifier for the 2021 Pan-American Games, a 3-star

championship category (as per AOB Competition Rules) and officiated by AIBA Certified International Technical Officials and Referees / Judges. It is alleged that Mr. Alex Arturo Gonzalez Gutierrez knowingly accepted and performed the role of an ITO – Equipment Manager at the event (an appointment not permitted to be taken by a member of the AIBA Board of Directors).

Mr. Alex Arturo Gonzalez Gutierrez is accused of a violation of the following disciplinary offence as provided for in the AIBA Disciplinary Code:

The violation of Art. 5.1 -- Any person who seriously violates or acts contrary to provision of (a) the AIBA Statutes, AIBA Bylaws, AIBA Technical & Competition Rules, AIBA Code of Ethics; (b) the statutes, bylaws, articles and constitutions of AIBA Confederations or AIBA National Federation will be subject to a fine of CHF 1,000 to CHF 20,000 and may also be suspended from all boxing activities for 6 months to 5 years.

The Integrity Officer submitted his initial brief which, at the request of the DC, was later supplemented with further reply on the issues of the guilt of Mr. Alex Arturo Gonzalez Gutierrez and an appropriate sanction. The DC considered the written statements from the complainant, the Technical Director for the event, Mr. Mauro Jose De Silva and all other proofs submitted by the Integrity Officer. The DC further had the benefit of the detailed submissions made on behalf the accused person by his legal representative, Mr. Pedro Abel Intriago Vera in both his defense brief and in the final reply.

The DC decided that the matter can fairly and properly be disposed of by an examination of the written statements filed by the parties alone and there was no need for an oral hearing. The DC enjoyed the benefit of good cooperation by Mr. Alex Arturo Gonzalez Gutierrez and a high quality of submissions by both the Integrity Officer and Mr. Gonzalez' lawyer.

II. The decision

(i) Upon a proper consideration of all the documentary evidence, the accused party, Mr. Alex Arturo Gonzalez Gutierrez, is found GUILTY of the following offence:

A violation of Art. 5.1 of the AIBA Disciplinary Code read with Article 46.3 of the AIBA Constitution for having accepted the appointment of and acted as an ITO for the AMBC Youth Boxing Qualifier in Guadalajara, Mexico which breached Article 46.3 of the AIBA Constitution which states, "No Director may be a Competition Official."

(ii) Upon a proper consideration of the gravity of the offence, and all the relevant aggravating and mitigating factors in the peculiar circumstances of the present case,

the DC impose the following sanction in accordance with the Disciplinary Code under Article 5.1:

A fine of CHF 1,500 and a one year ban of all boxing activities, both of which are suspended on condition that Mr. Alex Arturo Gonzalez Gutierrez does not make himself guilty at any time during the period 1 September 2021 until 28 February 2023 (a suspensive period of 18 months) of any regulatory offence under art. 5 of the AIBA Disciplinary Code (or the corresponding article under a new Disciplinary Code that may be adopted by AIBA during the mentioned suspensive period).

In the event of a violation of Art. 5 of the AIBA Disciplinary Code adopted July 17, 2013 (or the successor article under a new Code), specifically, any violation of Statutes or Rules or any failure to respect decisions, as defined therein, during the suspensive period of the ban, the suspension of the fine and temporary ban will automatically be revoked and the full original sanction applied and added to the sanction to be imposed for the new violation.

III. Parties' rights to motivated reasons for the decision, and a reconsideration of, or appeal against, the decision

The parties are informed that:

- in terms of art. 47.2 and 47.3 of the Procedural Rules they have ten (10) days from notification of this decision to request, in writing, the motivated reasons for the decision. Failure to make such a request results in the decision becoming final and binding and the parties being deemed to have waived their right to lodge an appeal. If the motivated decision is requested within the stipulated period, the time limit for lodging an appeal begins only on notification of the motivated decision;
- in terms of art. 50 of the Procedural Rules, that a party may seek a reconsideration of the decision within thirty (30) days of the discovery of the need to have the decision reconsidered when new pertinent facts arise or if new evidence is discovered, unless they could have been brought forward during the proceedings leading to the decision;
- in terms of art. 52 of the Procedural Rules, the DC decision may be appealed against before the Court of Arbitration for Sport (CAS) in accordance with article 48 of the AIBA Constitution within thirty (30) days following notification of the motivated decision.

AIBA Disciplinary Committee

By: *FP Strydom*
Francois Strydom
Chairman

Dated: August 31, 2021