

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF GAMING ENFORCEMENT



REPORT TO THE ATTORNEY GENERAL
ON THE STATE ATHLETIC CONTROL BOARD

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I. INTRODUCTION

Boxing, as a combative sport, has captured the imagination of this country for well over 100 years. The American fascination with the sport can be seen through the celebrity status afforded some of boxing's greatest world champions. Muhammad Ali, Joe Frazier, Sugar Ray Leonard, Rocky Marciano, and Jack Dempsey are names that conjure images of noble fighters engaged in epic struggles against worthy opponents. Every fan of boxing can remember a particular contest that, to them, represents the beauty of the sport in its purest form. Indeed, there exists today a number of champions who demonstrate the artistry and craft of a sport that is at once violent and precise.

Unfortunately, for every match that celebrates the sport of boxing there seem to exist a host of occurrences that challenge the credibility and character of those involved with this profession. Governmental entities charged with regulating boxing must seek to enforce two primary objectives, namely the protection of public confidence in the conduct of boxing contests and the safety and well-being of the participants. Although these dual objectives, integrity and health, appear to be straight forward, their effective implementation in the boxing arena has proven to be elusive, allowing many critics to see only the dark side of this sport.

The causes for the failure of public confidence in the sport are well known, but have proven to be nearly intractable to remedy. Problems include the

improper ranking of boxers, unusual scoring of bouts by ring officials, and perceptions that certain bouts are “fixed” with the outcome pre-determined. Followers of the sport concede that boxing’s reputation has been repeatedly tarnished over the years, and that little has changed some of the public’s view towards this profession.

Questions involving integrity are also fueled by accusations that over the years, boxers and others affiliated with boxing have associated with persons of questionable reputation and character. Recent indictments of prominent officials from the International Boxing Federation (“IBF”), a sanctioning organization, and the subsequent conviction of its President for soliciting bribes in return for favorable rankings, further fuel the public perception that boxing is a sport that may be beyond salvage. Testimony during the federal trial of the IBF officials reveals yet again the unseemly station to which professional boxing all too often finds itself relegated.

Health and safety issues related to boxing have also been the subject of critical public inquiry over the years. By definition, boxing is a dangerous sport with potentially serious consequences to the participants. Success depends upon landing blows to an adversary’s head and body. Throughout the years, there has been no shortage of examples of boxers who suffered severe injuries because of a career in boxing or from a particular blow in a contest. Efforts have been made to require that boxers not be allowed into the ring with a pre-existing injury that

would make the participant more susceptible to serious injury. These efforts, whether through licensing procedures, required medical examinations or enhanced communication between and among boxing regulators, have been helpful in raising the safety standard for scheduled events.

However, loopholes in licensing procedures, failure to require and adhere to medical requirements and inconsistent and inadequate communication between athletic commissions have caused many to comment that enough is not being done. The persistent scandals plaguing the industry merely reinforce what some believe to be self-evident: boxing, as it exists today, is not worth saving.

Unfortunately, serious questions involving integrity and boxer safety recently surfaced in New Jersey. As was noted previously, in November 1999, several representatives of the IBF were indicted for soliciting bribes from promoters. During the proceedings several boxing promoters and managers who were licensed in New Jersey testified that they paid large amounts of cash to IBF officials to “rig” the rankings of boxers.

According to the trial testimony, in one instance the IBF demanded, and a promoter paid, \$100,000 to allow a rematch which would otherwise have been prohibited pursuant to the IBF’s own by-laws. At the conclusion of a three month trial, the IBF President was convicted of several counts relating to the acceptance of payments in exchange for favorable rankings.

Also in November 1999, a boxer died after sustaining a number of blows to the head and being knocked out during a bout held in an Atlantic City casino. Questions have been raised regarding the licensing process employed by several state boxing commissions, including New Jersey, leading up to the fight that ended the life of the boxer Stephan Johnson. Moreover, the death of Stephan Johnson has caused the alarm to be sounded again regarding the difficulty with regulating boxing, and some have suggested that the health of participants in boxing matches is being compromised by an ineffective and easily manipulated regulatory system.

It is in this context that New Jersey Attorney General John J. Farmer, Jr. requested that the Division of Gaming Enforcement commence a review of all regulatory functions performed by New Jersey's boxing regulatory agency, the State Athletic Control Board ("SACB"). The purpose of this comprehensive review is to carefully examine the organization, administration and regulatory structure of the Board to determine whether legislative or regulatory changes are necessary to enhance its mission. Although this report will focus on the role and function of the SACB, it is clear to us from our review of boxing that in order to facilitate significant changes in the way boxing matches are conducted in the United States, a review of the manner in which bouts are arranged, boxers are ranked, and promoters are involved must be undertaken.¹

¹ It should be noted that in May 2000, the National Association of Attorneys General, under the direction of Eliot Spitzer from New York and Jim Ryan from Illinois, issued a report titled "Boxing Task Force Report on Findings and Recommendations." The Report provides some important and necessary recommendations, and many of them should be seriously considered and adopted by New Jersey and other jurisdictions.

Our review will consider the history and organizational structure of New Jersey's boxing regulatory scheme, with particular focus on the State Athletic Control Board, the SACB Commissioner, the Medical Advisory Council and the supervisory authority of the Attorney General and the Division of Gaming Enforcement. Next, the Report will review the existing regulatory scheme, with a particular emphasis on the licensing and medical testing provisions in light of recent events. Finally, with this background the Report will critically examine the bout involving Stephan Johnson to determine whether any legislative or regulatory changes are necessary to further protect the safety and well-being of contestants and to enhance the public confidence and trust in the regulation of boxing.

We believe that boxing can be reformed if the will exists to ensure that boxer safety and public confidence are never compromised. We also believe that the measures recommended in this Report will go a long way towards ensuring that boxing in New Jersey meets the highest standards of safety and integrity. However, reform cannot be accomplished by this jurisdiction acting alone. Instead, all jurisdictions should come together to establish consistent safeguards and procedures for this sport so that the public and fans of boxing will know that the sport is willing and able to re-establish its legitimacy. If such cooperative efforts are accomplished, then we believe that boxing has the ability to rise above the morass and regain its position as a sport that enjoys the public's trust, confidence and respect.

II. HISTORY AND ORGANIZATION OF THE STATE ATHLETIC CONTROL BOARD

A. History of the State Athletic Control Board

New Jersey's regulation of boxing first began in 1918 through the creation of a State Athletic Commission. Its mission was to regulate the conduct and taxation of professional and amateur boxing, wrestling and sparring exhibitions and performances. In 1931, legislation was passed creating a single-commissioner office which was known as the Office of the State Athletic Commissioner. In 1972, the Office of the State Athletic Commission was transferred into the Division of Consumer Affairs.

In 1984, the New Jersey State Commission of Investigation released a report criticizing the state's effectiveness in regulating boxing events and called for an immediate restructuring of the state's regulatory system.² As a result of this Report, in March 1985 legislation was signed into law reorganizing the Office of the State Athletic Commissioner into the State Athletic Control Board (SACB) (See Exhibit A). A three member board was established to replace the single commissioner structure and the board was given authority to develop and enforce rules and regulations related to boxing and other combative events. Under the new regulatory structure, the Commissioner was to act akin to an executive

²Some of the recommendations set forth in its Report included the establishment of a medical advisory board, urinalysis testing and mandatory suspensions of boxers who have been knocked out.

director and have responsibility for the day to day affairs of the board. This legislation also removed the agency from within the Division of Consumer Affairs and established the SACB as a separate agency within the Department of Law and Public Safety.

Thereafter on January 29, 1993, an Executive Plan for the Reorganization of the Department of Law and Public Safety (No. 004-1992) ("Reorganization Plan") was filed with the Legislature which affected the enabling statute of the SACB, *N.J.S.A. 5:2A-1 et seq.* (See Exhibit B). The purpose of the Reorganization Plan was to coordinate the operations and responsibilities of the Department in a manner designed to "eliminate duplication and overlap and maximize efficiency and economy." From an organizational perspective, the Board was no longer a separate division; it was transferred into the Division of Gaming Enforcement. As part of this reorganization the Attorney General was given the authority to assume "the inspection, investigation and enforcement functions of the Board" and to appoint and set the salaries of all SACB employees. The Board retained all of its "regulatory, licensing and adjudicatory authority." It was determined that "[r]eassigning inspection and enforcement responsibilities with respect to activities regulated by the Board to the Division of Gaming Enforcement will streamline the Department and promote overall efficiency and economy by aligning similar functions within one agency."

B. State Athletic Control Board

i. Structure and Responsibilities

The State Athletic Control Board's mission is clearly spelled out in the statute's legislative findings. The Board is charged with protecting the "safety and well-being of participants" and to "promote the public confidence and trust in the regulatory process and the conduct" of all regulated events. *N.J.S.A. 5:2A-2*. To fulfill these responsibilities, the Board is granted "sole discretion, management, control and supervision" over all combative sports exhibitions, including boxing. *Ibid.*

The Board consists of three public members appointed by the Governor for three-year terms, with one member to be appointed by the Governor as Chairperson. No more than two of the members can be of the same political party. Board members are paid \$10,000 annually in addition to being reimbursed for actual expenses related to the performance of their responsibilities.

The overall responsibilities of the Board are set forth in *N.J.S.A. 5:2A-7* which provides, in pertinent part, that the Board shall issue, suspend or revoke all licenses, and conduct any necessary hearings regarding licensure or civil violations of the act and promulgate any necessary rules and regulations and establish, prescribe and collect all fees or taxes imposed by the act.

ii. The Medical Advisory Council

One of the Boards' most important responsibilities is to promulgate

regulations. This authority is particularly critical in the area of medical testing and requirements. To assist the Board in this area, the statute creates a State Athletic Control Board Medical Advisory Council (“MAC”) to assist the Board on medical issues involving boxing, wrestling, kick boxing and all other combative sports. *N.J.S.A. 5:2A-8*. Specifically, the MAC is charged with the responsibility to recommend regulations and standards governing the physical welfare of all participants licensed by the Board.

The areas of responsibility include the physical and mental examinations required by all participants prior to licensure and the requirements for board physicians with respect to pre- and post-fight examinations. The Act also directs that the MAC may prepare and submit to the Board, for its approval, regulations which in its judgement will assist in protecting the welfare of all participants.

In addition, the MAC is involved in the licensing and training of all Board officials, including ring side physicians, *N.J.S.A. 5:2A-8(c), (d) and (e)*, is responsible for reviewing annually the credentials and performance of all Board physicians, and to participate in Board decisions governing reappointments. Finally, the MAC is also authorized to advise the Board with respect to any literature regarding equipment or procedures which would promote the safety of participants or assist the training of ring side physicians *N.J.S.A. 5:2A-8(f)*.

The Council consists of seven members appointed by the Governor for three-year terms. To qualify for membership on the MAC, an individual must be

licensed to practice dentistry, medicine or osteopathy in New Jersey and have at least five years of experience in the practice of his or her profession. *N.J.S.A. 5:2A-8(a)*. The Act specially states that the Governor should focus on the fields of dentistry, cardiology, neurology, ophthalmology and orthopedics. Members of the MAC do not receive a salary but are reimbursed for their actual expenses.

Prior to 1993, the Board also had the authority to appoint all necessary Board personnel, including the Commissioner and all ring officials; to engage in any investigation necessary to enforce its rules and regulations; to obtain fingerprint and criminal history data from the federal government; to issue subpoenas; and to compel testimony and the production of documents. These powers were transferred to the Attorney General, to be exercised through the Division of Gaming Enforcement, pursuant to the 1993 Plan of Reorganization. *See infra at 13.*

iii. The Commissioner

Pursuant to the 1985 legislation which created the three member Board, the Commissioner assumed the role as the Board's principal executive officer. The Commissioner is responsible for the daily administration of the Board's business including assisting with the licensing process and all other issues related to the conduct of boxing and other combative sports events in the State.

It should be noted that although the statute provides that the Board is responsible for the issuance of all licenses, this authority has been delegated by

regulation to the Commissioner or his representative. *See e.g. N.J.A.C. 13:46-4.14.* (See Exhibit C). The Board operates independently of the Commissioner and functions as an appeals body for applicants or licensees who wish to challenge a decision made by the Commissioner.

This delegation of authority by the Board to the Commissioner is attributable to two factors: First, Board members are part-time employees who meet infrequently. Because of the relatively small number of meetings, the Board is unable to address the various issues that arise on a daily basis. Second, as to licensing issues, the nature of boxing requires that an official have authority to make licensing decisions on short notice. Boxers are in most cases licensed the day before or the day of the bout and promoters frequently substitute fighters on cards in the days leading up to an event. Thus, the Board has decided to delegate the authority to the Commissioner so that events are not disrupted by last minute problems with the licensing process.

In his capacity as the executive director, the Commissioner is responsible for the intake of all license applications, including ensuring that applicants have provided the Board with all necessary medical documentation. The Commissioner also makes recommendations to the Board regarding suspensions and revocations of licenses or other disciplinary matters and interacts on a regular basis with promoters and matchmakers concerning the scheduling of boxing events and with promoters after the event concerning the calculation and collection of license fees

and taxes. The Commissioner also serves as the Board's "point person" in communicating with regulators from other boxing jurisdictions, sanctioning organizations, and in organizing and providing training for SACB officials such as referees, judges, and physicians.

To carry out these responsibilities, the Commissioner relies heavily on appointees who work on a per-diem basis; specifically, inspectors, judges, referees and physicians. Inspectors are responsible for all issues involving the conduct of boxing shows including the licensing process, checking all equipment, the collection of taxes and maintaining control over all scorecards. *See generally N.J.A.C. 13:46-9.1 et seq.* Inspectors are under the authority of a Chief Inspector, who is a full time employee of the State Athletic Control Board. The Commissioner also assigns physicians, who are appointed by the MAC, to handle the review of all medical examinations and the performance of all pre-and-post fight examinations.

From an administrative standpoint, the Commissioner is responsible for the preparation of the payroll and budget of the SACB. These administrative functions are supported by the Division of Gaming Enforcement. In accordance with the 1993 Reorganization Plan, the Commissioner is appointed by the Attorney General, with the concurrence of the Board.

The official job description for the Deputy Commissioner provides that he is to assist the Commissioner in the day to day regulation of boxing and to make

licensing and other decisions when the Commissioner is not available. In practice, the Deputy Commissioner has very little involvement with the daily operations of the SACB.

iv. The Attorney General and the Division of Gaming Enforcement

As noted above, under the 1993 Reorganization Plan, the status of the SACB was changed from that of an independent Division to a section within the Division of Gaming Enforcement. One of the primary objectives of this change was to allow the SACB to take advantage of the inspection and investigatory expertise of DGE, particularly since many of the large boxing contests are held in casinos. To take advantage of this expertise, all of the Board's statutory and regulatory authority to investigate boxing contests, to conduct the background check of participants, to make inspections and to exchange data and receive criminal history information from the Federal Bureau of Investigation were "continued and transferred to the Attorney General, who may exercise some or all of those duties through the Division of Gaming Enforcement." See Reorganization Plan.

Thus, the Board's authority to examine books, records, and other documents, *N.J.S.A.* 5:2A-9(a) and (b), the authority to issue subpoenas for the production of documents and to compel the testimony of witnesses, *N.J.S.A.* 5:2A-9(c) and to confer immunity on witnesses *N.J.S.A.* 5:2A-10, were transferred to the Attorney General, or DGE if so designated. The Reorganization Plan provided that the Attorney General shall be responsible for the appointment of the

Commissioner, with the concurrence of the Board, and that the Commissioner “shall be subject to the direction and supervision of the Attorney General and the Director of the Division of Gaming Enforcement.” Board members remained independent, although they too utilize the resources from DGE when needed.

C. The Licensing Process

The most important component of the regulatory scheme governing boxing is the licensing process because of its impact on both integrity and health issues. Through the issuance of a license, the Board can exercise complete authority over every event and all those individuals involved in an event, such as promoters, matchmakers, managers and other ancillary figures to a contest. The licensing process also provides a mechanism by which the Board can charge and collect appropriate fees and penalties, collect taxes, and enforce suspensions imposed by other boxing authorities. Most importantly, the licensing process allows the Board to require that boxers satisfy all medical testing requirements and to prohibit boxers from competing if they are suspended by another boxing agency.

As noted above, a promoter cannot conduct a boxing event, nor may an individual participate in such an event, without first obtaining a license from the Board. *N.J.S.A. 5:2A-14*. All licenses for boxers are effective for one year from the date of issuance. *N.J.S.A. 5:2A-15; N.J.A.C. 13:46-4.7(a)*. Licenses for all other persons are valid for one fiscal year beginning July 1 and ending June 30.

The statute provides that the Board shall not grant a license to any person unless the applicant establishes by “clear and convincing evidence” that he or she

possesses “good character, honesty, integrity and responsibility”, which includes “assurances that the applicant has not engaged in activities with or associates with members of organized crime.” *N.J.S.A.* 5:2A-15(a) and (c). Aside from the statutory reference to organized crime associations, currently there are no regulations which detail what constitutes “good character, honesty, integrity and responsibility.” The Board has the authority to receive criminal history record information from the FBI when considering applicants for licensure. *N.J.S.A.* 5:2A-15(d).

The Board also has expansive authority regarding the revocation or suspension of licenses. It may temporarily suspend a license for up to 30 days without a hearing and thereafter may suspend or revoke a license after a hearing. *N.J.S.A.* 5:2A-17. After a hearing, the Board is authorized, in addition to a revocation or suspension, to (1) issue a reprimand or censure; (2) assess civil penalties that are authorized by the act; (3) issue a cease and desist order; (4) order the return of any money or property acquired by an unlawful act or practice; and (5) order any medical or other professional treatment as a condition of licensure. *N.J.S.A.* 5:2A-17.

D. Rules Governing Medical Examinations

The Legislature has made it very clear that the health and safety of those who participate in a boxing contest is one of the most important objectives of the State Athletic Control Board. *See N.J.S.A.* 5:2A-2(a). The importance attached to

this objective is evidenced by the establishment of a Medical Advisory Council whose responsibility is to assist the Board in promulgating medical regulations, developing education and training programs for Board employees and officials, and to review the credentials and performances of Board physicians. *N.J.S.A. 5:2A-8; See supra at 8.*

Through the exercise of its rulemaking authority, the Board has established numerous medical requirements which must be met before an individual can receive a license to box in New Jersey. As to the venue itself, no boxing event can occur unless two SACB approved physicians are at ringside and an ambulance is at the site at all times. *N.J.S.A. 5:2A-18.1; N.J.A.C. 13:46-12A.16.* In addition, there must be two trained Emergency Medical Technicians (EMT) present at each bout at all times. *N.J.A.C. 13:46-12A.17.* If the ambulance or EMT personnel leave the venue to transport an injured boxer, the bouts cannot continue until the appropriate number of EMTs or an ambulance is present. The promoter of the event is also responsible for obtaining medical insurance for each boxer to cover any injuries suffered during a bout. *N.J.S.A. 5:2A-14.2.*

A boxer will not be issued a license unless he or she has been subject to “an extensive medical examination.” *N.J.S.A. 5:2A-15(e).* The specific requirements of such an examination are set forth in *N.J.A.C. 13:46-12A.3(a)*, and include the following:

1. A CAT/MRI Brain Scan (without contrast), within the last three years;
2. An electrocardiogram;
3. Ophthalmological dilation;
4. A comprehensive history and physical examination;
5. A complete blood count for bleeding and coagulation time;
6. An HIV test conducted no earlier than 14 days prior to licensure; and
7. A urinalysis.

(See Exhibit D)

Female boxers must also have an annual gynecological and breast exam and a serum pregnancy test. The regulations also recommend, but do not require, that a boxer obtain a hepatitis test. *N.J.A.C. 13:46-12A.6*. Since early 1999, the SACB has required hepatitis A, B and C screening for all boxers. With the exception of (1) and (6) above, these tests must be performed no earlier than 30 days, but no later than one day prior to, licensure or renewal.

Several issues need to be addressed when discussing medical examinations. First, the SACB does not perform any of the medical examinations necessary for licensure. It is the responsibility of the boxer to arrange for the necessary examinations and to submit the results to the SACB for review. Thus, the CAT³ Scan, EKG, HIV test and eye examination are performed by private physicians retained by the boxer (usually from outside of New Jersey).

³A CAT Scan, also identified as a “CT” Scan, is a device that produces cross-sectional x-rays of the body using computerized axial tomography.

It is done in this manner for logistical and fiscal reasons. As to the former, almost all boxers who compete in New Jersey arrive in the state only a couple of days before the bout. They are usually training in another location and arrive at the last minute for the necessary press conferences, the weigh-in and to address any other regulatory concerns. Currently, almost all boxers obtain their license one or two days before the bout. As to the latter, the costs of having state appointed physicians perform the required examinations would be quite significant and would require that licensing and other fees be increased dramatically.

The regulations also expressly provide that the identified examinations are the minimum requirements; the Commissioner or his staff may request any other examinations which he feels are necessary to determine a boxer's fitness to engage in a boxing contest *See e.g. N.J.A.C. 13:46-12A.2(c); 12A.8(b)*. Once these tests have been performed, they are sent to the SACB for review to ensure that the tests have been performed and that the physicians did not indicate that the boxer was unfit to participate in a boxing match.

The SACB appointed physician is then required to perform a weigh-in examination at the weigh in and a pre-fight examination just before the bout is to begin. *N.J.A.C. 13:46-12A.4*. At the weigh-in examination, the SACB physician reviews the results of those examinations submitted by the boxer for the purposes of obtaining a license and he or she has the authority to perform or require any

other additional medical tests. However, this examination must include “a thorough ophthalmological and neurological examination and a urinalysis.” *Ibid.* Just prior to the bout, the SACB physician is required to perform a second examination known as the pre-fight medical examination. *Ibid.* Again, the SACB physician will examine the boxer one final time to review his medical fitness to compete and the results of the physician’s review are reported on a medical examination form. The regulations expressly provide that a boxer will not be permitted to enter the ring unless the SACB physician has certified that the boxer is fit to engage in such a contest. If the physician determines that a boxer is not fit to engage in a boxing contest, no other official can overrule that decision. *Ibid.*

The regulations also require that a post-fight examination be given to all boxers, whether they win or lose. Again, it is left to the discretion of the SACB physician as to what tests should be performed, but this examination must include “a thorough ophthalmological and neurological examination.” *N.J.A.C. 13:46-12A.10.* If a boxer is knocked out or technically knocked out, a thorough neurological examination is required, *N.J.A.C. 13:46-12A.13,* and mandatory suspensions of 60 and 30 days, respectively, are imposed.

If a boxer has lost six consecutive fights or has not been active for one year or more, he is automatically suspended until the boxer submits to a medical examination required for licensure performed by an SACB appointed physician. *N.J.A.C. 13:46-12B.3.* After a boxing show is completed the SACB physician is

required to prepare a “detailed written record” of each medical examination to be filed with the Commissioner within 24 hours of the examinations. *N.J.A.C.* 13:46-12B6. If a boxer refuses to comply with any request regarding a medical examination, either pre- or post-bout, by the Commissioner or an SACB physician, he is immediately placed on the suspension list and will not be permitted to compete until approval is obtained from the Commissioner. *See e.g. N.J.A.C.* 13:36-12A.7; 12A.10.

To ensure that the medical requirements are effective, SACB physicians have been granted significant authority over the conduct of boxing contests. As noted above, an SACB physician can prohibit a boxer from competing in a boxing contest for medical reasons, even if the Commissioner has issued that boxer a license. In addition, no boxing contest can begin unless two SACB physicians are present and seated at ringside. *N.J.A.C.* 13:46-12B.2(a). The SACB ringside physician has the authority to stop any bout if he or she is of the opinion that the contestant is in danger of serious physical injury *N.J.A.C.* 13:46-12B.2.

E. Professional Boxing Safety Act of 1996

In 1996 the Federal Government took action in an attempt to assist State Commissions in their mission to protect the health and safety of boxers. The Professional Boxing Safety Act, 15 *U.S.C.A.* §6301 *et seq.*, was enacted with the goal of “improving and expanding the system of safety precautions that protects the welfare of professional boxers” and to “assist State boxing commissioners” in

carrying out their regulatory mission. *Id.* at §6302 (*See* Exhibit E). From a medical standpoint, the law requires that state boxing regulators establish minimum safety measures. In particular, the Act requires that no person may promote a fight, and no boxer may participate in a bout, unless: (1) a pre-fight physical examination is performed certifying that the boxer is physically fit to compete; (2) an ambulance and the necessary medical personnel are on site during each bout; (3) a physician is continuously present at ringside; and (4) boxer's are provided with appropriate health insurance. *Id.* at §6304. New Jersey has had these requirements in place for many years.

The Act also creates a registration procedure for boxers so that each state commission can keep track of every individual boxer. Under this system, boxers are required to register with their state commission and will then receive an identification card and a personal identification number. When a boxer competes, he is to present the identification card to the respective state commission where the bout is taking place. The objective of the identification card and the registry system is to prohibit a boxer from competing in one state while under suspension in another. To ensure that the registry system operates effectively, the Act provides that no later than 48 business hours after a boxing match, a state commission must "report the results of such boxing match and any related suspensions to each boxer registry." *Id.* at §6307. The Act expressly states, however, that it is limited to "the 50 states, Puerto Rico, the District of Columbia,

and any territory or possession of the United States.” *Id.* at §6301(10).

F. Boxer Histories

On June 6, 1998, the Association of Boxers Commissioners (“ABC”) certified an entity known as Fight Fax to be a “boxer registry” as defined under federal law. 15 *U.S.C.A.* §6301(3). Fight Fax, which is a private organization located in Sicklerville, New Jersey, compiles a history on every professional boxer. This history includes a listing of the name of the opponents fought by the boxer, the date of the bout, and the result. In addition, the history lists whether or not the boxer is currently on suspension or whether there is some other current disciplinary action. (See Exhibit F) State commissions will provide Fight Fax with the names of boxers who are scheduled to compete and, for a fee of \$5.00, Fight Fax will fax a copy of the boxer’s history to the State Boxing Commission. At this time, Fight Fax is the only boxer registry certified by the ABC.

G. Taxes

Those boxing, wrestling, kickboxing and other combative sports contests and exhibitions regulated by the Board generate two forms of revenue: ticket and media taxes. *N.J.S.A.* 5:2A-18. As noted above, the promoter is required to notify the Board, at least two weeks in advance, that an event is being held at a particular venue. At that time the promoter must have a valid license and must apply for and receive a written permit from the Board authorizing the event. At least one week before the event, the Board must be notified that a media telecast

(e.g. television, pay-per-view, cable vision) of the contest or exhibition will be provided, along with information about the event including copies of all contracts and agreements relating to the contests and media telecasts. *N.J.S.A. 5:2A-18(b)* and (c).

With respect to the broadcast of the event in New Jersey, no one is permitted to charge or receive an admission fee to view any such contest or exhibition without having received a permit from the Board. The promoter of the event is also required to advise the Board if the contest or exhibition is being telecast in any manner outside of the State.

After any contest or exhibition, the promoter has seven days to provide the Board with a written report of the exact amount of tickets sold and the gross proceeds received from the ticket sales. *N.J.S.A. 5:2A-20*. To assist the Board in accounting for all revenues due the State from the sale of tickets to the event, the Act provides that the printer of the tickets must be approved by the Board. This approval process allows the Board to not only keep track of all tickets printed but also allows the Board to have input on the form of the tickets. The tax on ticket sales is calculated on a sliding scale of between 3% and 6%. In no case may the tax assessed exceed \$100,000 for any one event. Similarly, the statute establishes a sliding scale for the tax on any moneys received for the lease or sale of any media telecast of an event. This scale begins at 5% and decreases to 1% based upon the moneys received for such rights. Again, in no case may the tax assessed

exceed \$100,000 for any one event. Thus, a big event has the potential to generate a maximum of \$200,000 of tax revenue for the State of New Jersey. In establishing the appropriate tax to be paid for an event, the Board has the authority to examine “the books and records of any person and hold a hearing.” The statute authorizes the Attorney General to bring an action in “any court against any person who fails to pay the appropriate tax.” *N.J.S.A. 5:2A-20(e)*.

H. Summary

From the foregoing, it is clear that the SACB has a number of significant responsibilities to perform leading up to an event. It is also clear that much of the work of the Board has been delegated to the Commissioner and his staff.

It is apparent to us that the manner in which events are conducted results in a substantial amount of work for the SACB in the days and hours immediately proceeding an event. In light of the circumstances leading up to November 20, 1999, we must ask whether the current structure and relationship between the MAC, the Board, and the Commissioner adequately addresses the SACB’s primary concern regarding boxer safety.

III. THE DEATH OF STEPHAN JOHNSON

A. Prior Bouts - South Carolina and Georgia

Stephan Johnson began boxing at the age of 13 at the New Bed-Stuy Boxing Association Gym in Brooklyn, New York. He began his pro career in July 1987, as a junior welterweight. Upon turning professional, he slowly but steadily progressed through the junior welterweight, welterweight and junior middleweight ranks over his 12-year professional career.

By April of 1999, Stephan Johnson had amassed a 25-8-1 record, of which 18 wins were by way of knockout. Of the eight losses he suffered, three were technical knockouts, and the remainder were decisions against him.

On April 14, 1999, Stephan Johnson fought Fitz Vanderpool in Toronto, Ontario for the vacant World Boxing Federation (WBF) super welterweight title. The bout was scheduled for 12 rounds. In his bout immediately prior to this fight, Johnson scored a fifth round technical knockout of Sam Garr in Georgia to win the International Boxing Union (IBU) title. His opponent in Canada, Fitz Vanderpool, had amassed a 16-3-3 record and was the reigning WBF title holder.

According to information reviewed, the bout between Johnson and Vanderpool was close and competitive, with the official scorecard revealing that Johnson led the bout 96-94 heading into the 11th round. In the 11th round Vanderpool landed a combination of punches which sent Johnson down at 2:27 of the round. Apparently, the referee immediately stopped the bout because

Johnson was not alert or responsive. After a twenty minute delay, an ambulance arrived to take Johnson to a local hospital for treatment.⁴ During the time that Johnson was waiting in the ring for the ambulance, it was reported that he sat in his corner, not moving, eyes shut, while being attended to by three Ontario Athletic Commission doctors. A Toronto newspaper reported that the doctors at the hospital determined Johnson had suffered heat exhaustion and that he was released from the hospital.

As a result of the knockout, the Ontario Athletic Commission advised Johnson that his license was suspended pending the receipt of the results of three medical tests: a CAT scan, an electroencephalogram (EEG) and a psychometric evaluation.⁵ The suspension was for a minimum period of 60 days and would continue in effect until the results of the three medical tests were received and reviewed by the Ontario Athletic Commission.

Two days later, on April 16, 1999, Johnson went to Mount Sinai Hospital in New York to have a CAT scan performed, presumably because of the medical suspension issued by the Ontario Athletic Commission. After conducting the test, a final report was prepared by a physician detailing the results of the scan. The

⁴Ontario boxing regulations do not require an ambulance to be on site for boxing events.

⁵A psychometric evaluation is a test where questions are posed orally to the patient with the goal of evaluating memory, mental awareness and capacity to reason. This test is used by many professional sports organizations on athletes who have suffered concussive episodes.

final report of the CAT scan provides a clinical history, and notes that Johnson is a “[t]hirty-year old boxer with blow to head two days ago.” The report then summarizes the results of the CAT scan in the following manner:

CT BRAIN:

CLINICAL HISTORY: Thirty-year old boxer with blow to head two days ago.

FINDINGS: CT of the brain is performed in the axial plane without contrast. No previous study is available for comparison.

The fourth ventricle is midline. The tentorium and posterior interhemispheric fissure appears somewhat dense--this may represent a normal variant or possibly a small amount of extra-axial blood layering along the tentorium. There is no evidence of mass effect or midline shift. No parenchymal hematoma is seen.

IMPRESSION:

TENTORIUM--NORMAL VARIANT VERSUS SMALL AMOUNT OF EXTRA-AXIAL BLOOD. NO EVIDENCE OF ASSOCIATED MASS EFFECT. CLINICAL CONSIDERATIONS WILL DETERMINE THE NEED FOR FURTHER EVALUATION WITH MRI TO DIFFERENTIATE THESE.

The report then goes on to note that the physician “personally reviewed the images and agrees with the findings.” The results of the CAT Scan were sent to the Ontario Athletic Commission. According to Ontario Athletic Commissioner Ken Hayashi himself, tests results for the other two required examinations were never received by their agency.

After his bout in Canada, Johnson's representatives arranged for him to fight less than four months later in South Carolina. The bout was scheduled for August 7 against Otilio Villarreal. Johnson applied for a South Carolina boxer's license on August 6. On the South Carolina license application was a question that asked whether Johnson had any type of "athletic license or permit reprimanded, suspended, revoked, suspended... in this or any other state or jurisdiction?" Although the medical suspension in Ontario was still pending, Johnson did not disclose its existence to South Carolina officials. Instead, he failed to answer the question and left the response blank on this point. In the application, when asked about his last boxing contest, Johnson did insert "4/18/99 ... Canada." Johnson signed and dated the bottom of the application.

Prior to receiving his South Carolina license, Johnson was also required to complete a one page Medical History Form. On this form, Johnson was asked questions about whether he had any one of approximately 20 different medical conditions ranging from headaches and seizures to heart trouble. He answered "no" to each. There were no questions asking about concussions or conditions related to head injuries. He was also asked if there was "any other information concerning your health, past or present, which is not covered by the previous questions?" Johnson did not respond to this question. Johnson signed and dated the Medical History Form. A physician for the South Carolina Commission completed a Referees and Contestants Physical Examination Form the day before

the bout and concluded that Johnson was “physically eligible” to box. Johnson fought and won a ten round decision against Villarreal.

It appears that before licensing Johnson, South Carolina officials did in fact receive and review Johnson’s April 16, 1999 CAT scan report. As to the Canadian suspension, a spokesman for the South Carolina Athletic Commission stated that the “Commissioners were aware of the action in Canada, but... federal law does not bind them to a disciplinary hearing taken by a foreign country.”⁷

Although the South Carolina Commission’s physician examined Johnson and reviewed the CAT scan and then made a determination that Johnson was medically fit to fight, the physician has told the press that the South Carolina Boxing Commission did not inform him about Johnson’s previous medical history. In particular, the physician has stated he was unaware of the technical knockout and subsequent hospitalization of Johnson in Canada or that the Ontario Athletic Commission had placed Johnson on indefinite medical suspension. This failure of communication commenced a sequence of events that is detailed below, and is significant because South Carolina, as the first state boxing commission to have cause to review Johnson’s medical history, apparently failed to provide all of the information necessary to its own physician.

⁷The Professional Boxing Safety Act of 1996 provides, in pertinent part, that “no boxer is permitted to box while under suspension from any boxing commission due to... (A) a recent knockout or series of consecutive losses. . .” 15 *U.S.C.* §6306(a)(2)(A). The Act then defines “boxing commission” as “an entity authorized under state law to regulate professional boxing matches. . .” *Id.* at §6301(2)(A). The Act does not cover suspensions in foreign jurisdictions. This may be an area in which federal legislation could be amended.

After the bout in South Carolina, a manager for Johnson arranged for him to fight on October 2, in Albany, Georgia against Calvin Moody. It appears that at this same time Johnson's representatives were also making arrangements for him to fight in New Jersey after the Georgia bout.

On September 21 or 22 the Georgia Commission received an initial fight card which included Johnson. Georgia officials then requested and received a Fight Fax boxer history on Johnson. The Fight Fax boxer history provided to Georgia revealed that Johnson was placed on medical suspension by the Ontario Athletic Commission. On September 22, the Georgia Commission advised Johnson's matchmaker that Johnson still had to complete the medical examinations required for Ontario before he could fight on October 2. One Georgia official even suggested dropping Johnson from the card because of the tests needed for Canada. Approximately one week later, Georgia boxing officials requested a second boxer history on Johnson. This time, there was no longer a Canadian medical suspension indicated. As a result, Georgia allowed Johnson to compete.

There is some controversy surrounding the removal of Johnson's medical suspension. According to one version of events, a South Carolina official called Fight Fax to say that Johnson should be removed from the suspension list. Officials in South Carolina deny that any such request was made. Another version of events has the matchmaker of the event communicating with Fight Fax to have the suspension lifted. Thus, it is not clear who actually pressed Fight Fax

to remove the Canadian suspension. What is clear is that somehow, Johnson's boxer history was amended without satisfying the conditions of the suspension imposed by Canada and without having a medical doctor review and evaluate the CAT scan with the benefit of the information on Johnson's Canadian knockout and suspension.

Prior to the fight in Georgia, Johnson filled out a two-page Georgia boxer's license application. On the front page of the application, in a section identified as "Terms and Conditions of Boxer's License," there is a provision that states:

Applicant or Licensee understands and agrees that he/she will be prohibited from participating in any bout or exhibition in Georgia if, on the night of the event, he/she is under medical suspension from any state boxing commission.

The application asks whether the applicant has had any one of 19 different medical conditions, including "concussion or unconsciousness." Johnson answered "no" to all questions, although he did note that he had an artificial lens in his left eye. Johnson then signed the application. A pre-fight physical was performed by a Georgia physician the day before the bout and Johnson was found to be physically fit to compete. As they exist today, boxing regulations in Georgia do not require that a fighter obtain a CAT scan and medical review even if he has been knocked out in his previous bout. Thus, it appears that Georgia never reviewed the April 16 CAT Scan. On October 2, 1999, Johnson won by technical knockout in the third round against Calvin Moody.

B. The New Jersey Bout

At the same time the Georgia bout was being arranged, a matchmaker for Johnson was attempting to organize a boxing show in New Jersey on November 20. This show was to take place at the Mark Etess Arena in the Trump Taj Mahal Casino in Atlantic City. The lineup card was sent to New Jersey officials the last week of September 1999, one week before Johnson's fight in Georgia. The card had Johnson fighting Paul Vaden, a boxer with a 28-2 record, in a 12-round bout for the USBA Junior Middleweight championship.

On September 28, 1999 an SACB official contacted Fight Fax and provided it with the names of each boxer on the lineup card for the November 20 event and requested a boxing history for each boxer. That same day the SACB received via fax a boxing history for each fighter for the November 20 show, including one for Stephan Johnson. The boxing history for Johnson indicated, in part, that Johnson suffered an 11th round technical knockout on April 14, 1999 by Fritz Vanderpool in a bout held in Canada, and that Johnson won a ten round decision on August 7, 1999 against Otilio Villerreal in a bout held in South Carolina. There was no information on Johnson's bout with Moody since it had not yet occurred.

In the comment section at the bottom of the boxer history for Johnson, there were no suspensions, medical or otherwise, or other derogatory information noted. Apparently, officials from the SACB were unaware that Johnson was scheduled to fight on October 2 in Georgia, and therefore requested and received

a Fight Fax boxer history before that bout took place and relied upon that history when reviewing Johnson's record. Although the results of the Georgia fight would not have caused a materially different boxer history to be generated, this transaction demonstrates the need to have boxer histories generated near the time of a contest so that every bout is properly reported to regulatory agencies.

An SACB official did review Johnson's contest history, and that of his opponent, Paul Vaden, for the purpose of evaluating the proposed match up. There was some familiarity with Johnson since he had fought in New Jersey in 1987, 1988 and 1991. In particular, an official examined each boxer's record, their boxing activity and whether there were any recent knockouts or technical knockouts reported. As is noted above, the Fight Fax provided on Johnson did not reveal any derogatory comments or a record of suspension.⁸

In addition to the boxer history, the April 16, 1999 CAT scan of Johnson was received by an SACB official approximately 45 days before the bout. It was reviewed by the same official who spoke to Johnson's manager and who also reviewed the boxer history. Under the SACB's existing practice the official, who had no formal medical training, was responsible for the collection and review of all medical information submitted by a boxer. If, after reviewing that information,

⁸It was the practice of the SACB to discard a boxer history once it was reviewed by them. Accordingly, when attempting to reconstruct the events leading up to this fight, it was impossible to review the original boxer history received from Fight Fax. It is our view that the SACB must establish a procedure for maintaining records related to events, and that the failure to do so can result in difficulties when trying to reconstruct or review an event.

the official discovered an abnormal result, he would then bring the medical issue to the attention of the SACB physician assigned to the bout. Although the SACB can avail itself to the services of the Medical Advisory Council, the SACB had no formal procedure in place to establish conditions under which such referrals were made in the event a questionable medical report was provided.⁹ Accordingly, this non-medically trained official reviewed the report and determined that Johnson was fit to fight. No one at the SACB sought the assistance of qualified medical personnel to make this assessment.

It should be noted that Johnson himself, his representatives (e.g. his manager) and the promoter and matchmaker for the event also failed to inform the SACB that Johnson had been suspended in Canada due to a knockout. South Carolina officials also made no effort to alert other jurisdictions to the suspension. Had the SACB been actually informed of the suspension in Canada, it appears that some additional medical review would have been contemplated by the SACB prior to allowing Johnson to fight in New Jersey.

What is a matter of significant concern to us is that, at this moment, New Jersey officials had some information that apparently could have been used to evaluate more carefully Johnson's fitness. Although the CAT scan report is

⁹The SACB has an internal "Procedural Manual" which relates to a number of areas including the procedure to be followed at weigh-ins. According to the Manual, at the weigh-in the Inspector "shall forward all medical documents to the weigh-in physician for his/her review." It appears that the CAT Scan Report for Stephan Johnson was not provided to the ringside physician.

admittedly ambiguous, and does not expressly state that Johnson should not fight, it nonetheless provided the potential first glimpse of a more serious condition. It very well may have been that a qualified medical professional, after reviewing the CAT scan and complete boxer history, would have concluded that Johnson was fit to fight or, perhaps, that more testing was necessary. The concern for us is that the SACB, when it came into possession of medical information regarding a boxer's condition, lacked formal procedures that could have ensured that Johnson's medical history was thoroughly evaluated.

The weigh-ins for the November 20 show were conducted on November 19 at the All Star Café located in the Taj Mahal casino. The weigh-in began at 5:00 p.m. Present at the weigh-in were several SACB officials including two physicians. Johnson arrived with his manager and presented an SACB official with additional medical reports. Johnson then sat down with an SACB official and personally provided information for inclusion on his Fighter Information Sheet (See Exhibit G). This process includes taking down personal information such as federal identification number, social security number, date of birth, and the names of the managers and "seconds." This sheet was signed by Johnson. Shortly thereafter, Johnson presented an SACB physician with his EKG, eye and HIV exam results. The EKG was performed by a local New Jersey physician earlier that day and the

physician indicated that Johnson's results were within normal limits. Johnson also gave the SACB physician the results of an eye exam performed on November 12, 1999 by two New York physicians.¹⁰

When Johnson arrived for his fight on November 19, he filled out and signed the standard two-page boxer license application form and submitted that document to an SACB official (*See Exhibit H*). On that application, Johnson was asked if he was licensed by any commission. He responded "Vegas, Georgia, New York, etc." He did not mention South Carolina, where he fought three and one-half months prior, or Ontario, where he fought a little over seven months prior. The next two questions ask whether he "ever had a license revoked or suspended by any Athletic Commission?" and "If yes, where?" Johnson did not respond to either question. The application goes on to ask several questions relating to whether Johnson had any financial interest in any entity that promotes boxing or whether any promoter had any financial interest in his earnings as a boxer. Johnson did not respond to any of these subsequent questions either. He signed the bottom of the application and the attached Release Authorization.

Once again, an opportunity to probe Johnson's fitness to participate in New Jersey was missed by the SACB. On the license application form, Johnson completed all of the questions until he is asked about his boxing history and

¹⁰On his Georgia boxer's license application, Johnson noted that he had an artificial lens in his left eye. This condition was not indicated in the eye examination report submitted by Johnson's New York physicians to New Jersey for the November 20 bout.

suspensions. The questions relating to suspensions are apparently left intentionally blank. Although the application is incomplete when provided to the SACB, no representative from the SACB questioned Johnson about his incomplete application or his boxer history.

In this instance the procedure designed to attempt to capture information regarding boxer history was ignored by Johnson with apparently little response by the SACB. In our view, if an application is incomplete regarding critical information it should not be accepted by the SACB and, in this instance, Johnson should not have been given a license.¹¹ Had the SACB probed Johnson or his representatives further regarding his incomplete license, it could well be that the Canadian suspension would have been revealed. Such speculation is just that; but it serves as a powerful reminder that stricter adherence to procedural safeguards, or perhaps a better process that would provide SACB officials more of an opportunity to review applications and boxer information, may have changed the course of events.

After being weighed for the bout, an SACB physician performed a pre-fight weigh-in examination on Johnson. This testing included an ear, nose and throat examination, a cursory neuromuscular examination, a check of his lungs, testing

¹¹Under an internal procedures and policies manual, the SACB has established a process for reviewing mail-in applications and for rejecting them if they are incomplete. The process for reviewing applications submitted at the time of the weigh-in are less clear but apparently do contemplate that incomplete applications are to be rejected. This internal procedure must be formally adopted by regulation so as to provide clear guidance to applicants seeking licensure.

of blood pressure and heart rate and the testing of all extremities. The examination is general and takes about ten minutes. These tests are based on guidelines set forth in an internal procedures manual and the results were recorded on the Pre and Post-Fight Examination Form (See Exhibit I).

On November 20, the Johnson-Vaden fight was the third bout on the card. An SACB physician performed a routine pre-fight examination of all boxers including Johnson. Heading into the 10th round of his fight, Johnson was ahead on the Master Score Card by a score of 86-85. At 2:24 of the tenth round, Johnson's opponent, Paul Vaden, landed several blows and Johnson fell to the canvas unconscious. The referee stopped the fight immediately, and did not conduct the customary ten-count because it was clear that Johnson had sustained a serious injury. Instead, he summoned the ringside physician who, with the assistance of EMS personnel who were on-site at ringside, immediately transported Johnson to the Atlantic City Medical Center.¹² Johnson never regained consciousness and died on December 5, 1999, 15 days after the bout. Dr. Hydow Park of the Atlantic County Medical Examiner's office performed an autopsy and concluded that Johnson died of a "closed head injury and left subdural hematoma with multiple complications."

¹²As required by regulation, an ambulance was present at the arena.

C. Conclusion

The tragic outcome of the Johnson bout in New Jersey perhaps could not have been avoided. But, from a regulatory perspective, we believe that in a number of instances procedures could be improved so as to provide the SACB officials with more of an opportunity to review boxer information. Although New Jersey has a commendable record in the area of boxer safety, we believe that still more can be done if public confidence in this sport is to be bolstered, and if the health of boxers is to remain of paramount importance. The SACB is obviously committed to the sport of boxing, and has played an important leadership role in advancing certain causes for boxers' safety nationwide. The SACB can and should maintain its status as one of the premier athletic commissions, but in order to do so it must reform the manner in which it handles some of its critical functions.

IV. RECOMMENDATIONS

Based upon the preceding analysis, and after careful consideration, we recommend that the Attorney General consider the following changes to the structure of the SACB. We believe several changes are necessary to improve the operational efficiency of the SACB and to enhance boxer safety. Although these recommendations take several forms, they are all intended to improve the functioning and oversight of the SACB, so as to assure the public that boxer health and safety and the integrity of the sport remain critically important to New Jersey.

A. Implement Changes to the Licensing Process

As noted in the Report, the most important component of this regulatory scheme is its licensing process. Through that process the Board and the Commissioner can control all aspects of an event including the rules governing the conduct of an event, who participates in an event, ensure that all medical testing requirements have been met, and the enforcement of any existing disciplinary or medical suspension imposed by other regulatory authorities. Although other areas of the regulatory system are, standing alone, no less important (e.g. medical testing), the ability to issue, suspend or revoke a license of a participant or a promoter is the preeminent regulatory function. The licensing process must therefore function in an efficient and effective manner when dealing with both administrative and substantive matters.

It should be noted here that despite its expansive jurisdiction over all aspects of boxing, the SACB has no authority over sanctioning organizations. Historically, these organization have exerted considerable influence over all aspects of the larger boxing events and have been at the center of numerous allegations over the years involving payoffs to alter rankings and to bestow other favorable treatment on boxers. This issue is addressed in more detail in Section V, *infra*.

With regards to the licensing process itself, we have identified six possible amendments for consideration:

1. Require promoters or managers to submit the full name, date of birth and social security number of all boxers at least seven days before the bout unless the Commissioner, in his discretion, waives this requirement.
2. Require the boxer and manager to certify, at least seven days before the bout, that the boxer is not under suspension in any jurisdiction.
3. Require that a promoter or matchmaker send a recent Fight Fax boxer history to the Commissioner when a boxer's name is submitted for a proposed bout.
4. Require the Commissioner to obtain a Fight Fax boxer history on each contestant within 10 days of the bout.
5. Review and revise the application for a boxing license to ensure that an applicant is required to provide answers to all material questions.

6. Require that a boxer's manager review and sign his boxer's license application to verify that all questions are completely and accurately answered, and certifying that a manager is not aware of any information that would prevent his boxer from competing.

The manner in which personal and boxing history information is submitted to the Commissioner and the Board, both in terms of substance and timing, was reviewed. Obviously, the decision-making process regarding licensing will be affected not only by the type of information provided but by the timing as well. Requiring a regulatory body to routinely make last minute decisions not only creates an environment ripe for mistakes, but also effectively prevents the regulatory body from independently verifying certain facts or engaging in additional inquiries. The existing practice in New Jersey suffers from these problems.

Under the current practice, virtually every boxer fills out his license application at the weigh-in, which is usually the day of or one day prior to the bout. In addition, every boxer has a manager and two or three seconds who must also be licensed for the event. As a result, at a medium size event featuring six bouts, 12 boxers and at least 24 seconds must be licensed. Thus, the weigh-in process is quite chaotic, particularly with respect to the larger shows held at casinos. At that time, not only is all licensing paperwork submitted to the regulatory officials, but many other boxing issues have to be addressed in this compressed time period, such as review of the rules, medical examinations, and

press conferences. It must be noted here that as licensing procedure goes, boxing stands alone in its uniqueness. In all other licensing areas the vast majority of licensees apply for, or renew, their licenses at a particular time of the year. Since many licenses are effective for one year (which in many cases is tied to the State's fiscal year) there is a flurry of activity during the 45 day period at the beginning of the license year. In boxing, this is not the case.

Since a boxing license is effective for one year from the date of issuance, boxers do not routinely obtain a New Jersey license in January or at the beginning of the State's fiscal year in July. Rather, boxers seek a license when they know they are going to fight in New Jersey which, in many cases, is a month or two before the bout. As a result, most boxers simply will wait until the weigh-in before completing the license application form and submitting the required medical tests to the SACB.

It appears that boxers do not apply for a license earlier for two main reasons. First, most boxers are not from New Jersey and it is therefore logistically more difficult to communicate with state boxing officials. Although effective modes of communication obviously exist, history has demonstrated that boxers wait until the last minute to address licensing issues. Second, and more significantly, boxers cannot be licensed until they have undergone a series of medical tests, the results of which are provided to SACB physicians. Boxers, and their managers, do not want to incur the costs of these tests until they are certain that they will be competing in a bout. As noted earlier, except for those high

profile bouts involving major contenders, most boxers are not “locked into” a bout until a month or two before the bout.

The problem with this process is obvious: regulatory officials are required to make licensing decisions at the last minute, sometimes with incomplete information. There certainly is little, if any, time to ask questions or to demand additional information. This puts the SACB and the Commissioner in the difficult position of having either to deny a license at the last minute, which may cost the participant significant income, or to permit the granting of a license with incomplete information.¹³ As a result, reform is needed regarding the process by which boxers are licensed so as to provide the licensing body with time to evaluate the information and, most importantly, an opportunity to ask for additional information if concerns exist.

As to the timing of applications, procedures must be implemented to eliminate, to the extent possible, the initial receipt of licensing information at or immediately prior to the weigh-in. The SACB and Commissioner must have certain important information relative to a boxer’s license application at least 48 hours prior to the bout. In general, this information can be divided into two categories, medical and character. Those issues involving the provision of medical information will be addressed in Section B, *infra*. As to character, the SACB must have, at a minimum, some information on the applicant in the

¹³This last minute licensing process seems to be the norm for boxing in all jurisdictions.

following areas at least a week before the bout; boxer history, personal identifiers so as to allow the SACB to check criminal history and the existence of any suspensions or disciplinary actions.

The provision of personal history information is also necessary when the SACB is evaluating a boxer's character for the purpose of issuing a license. This information, such as name, and date of birth, allows the Division of Gaming Enforcement to access a boxer's criminal history. As noted above, if a boxer has an outstanding warrant, local law enforcement authorities would be notified and appropriate action taken. This information takes on added significance in light of the new regulatory proposal governing the issuance of licenses to boxers. That proposal, described in detail below, requires that if a boxer has been convicted of certain offense within the past 5 years, the applicant must demonstrate to the Board that he has been rehabilitated as set forth in the regulation. To evaluate this information, and to properly determine whether an applicant must demonstrate rehabilitation and, if so, whether that burden has been met, the Board will need information regarding a boxer's criminal history at least one week before a bout. The provision of this information one week prior to the bout will allow the SACB to contact a boxer or his manager to advise him as to whether the rehabilitation provisions regarding criminal conduct apply. This notice will provide the boxer with an opportunity to demonstrate rehabilitation or to otherwise challenge the SACB's determination. If this information is provided at the last minute, the SACB will be foreclosed from considering the evidence and

will be required to deny the license application, and the boxer will be deprived of an opportunity to prove his qualifications.

To further assist the SACB in its regulatory mission, the boxer and his manager should be required to certify, at least seven days before the bout, that the boxer is not under suspension in any jurisdiction. For the same reasons outlined above, it is necessary that this information be provided to the SACB a week before the bout in the event there is a dispute as to whether a suspension is still in effect.

There are two other areas that are critical to the licensing process which must be modified, the first one involving the submission of a boxer history to the SACB and the second dealing with the licensing application itself. With respect to boxer history, this “roadmap” of a boxer’s career is critical for several reasons. First and foremost, a boxer history from an ABC-approved registry such as Fight Fax will disclose any current medical suspensions against the boxer. In addition, regulatory officials can examine a boxer’s fight history to determine whether he is at risk because of knockouts or technical knockouts in his recent bouts. This information not only serves as an “early warning system” in the medical context, but it also assists boxing officials in evaluating whether a proposed match is competitive. Stated simply, a boxer history can provide a wealth of information to an experienced regulatory official when he is making critical decisions as to whether an individual should be licensed to box. However, this information must be provided to the SACB as early in the process as possible. Therefore, we

recommend that when a promoter or matchmaker initially submits a name of a boxer for a proposed bout, a boxer history of that boxer also be submitted to the SACB.

In our review, we have discovered several instances where matchmakers/promoters have submitted names of boxers for an upcoming bout even though the boxer was under suspension. We believe that promoters, matchmakers and managers must bear some responsibility in ensuring that only qualified boxers participate in bouts. Once the name of a suspended boxer is introduced, it opens up the possibility that the boxer might slip through the licensing process and eventually compete in a bout. Given the last minute, hectic atmosphere that exists immediately preceding a bout, this becomes a real possibility. As a result, we recommend that promoters or matchmakers be required to submit a current boxer history for each boxer whose name is submitted for a particular bout. The cost of each boxer history is *de minimis*, and histories usually can be obtained within 24 hours. In addition, we recommend that the SACB, no more than 10 days before the bout, obtain its own boxer history on each boxer. This will allow the SACB to verify the results of the boxer history submitted by the promoter or matchmaker and will also ensure that no last minute suspensions were imposed.

With respect to the license application itself, we believe that it must be rewritten. Some of the problems we identified include applicants either not providing an answer or providing an answer that is not responsive. Many of the

existing license application questions need to be more specific and the application itself must be drafted in a format that requires, to the extent possible, yes or no answers with explanations when appropriate. Such a format will allow SACB officials to ensure that all questions have been answered. Finally, we recommend that the boxer's manager also be required to sign the application verifying that the answers provided by the boxer are accurate and also to affirm that he is not aware of any suspension or medical condition which would prevent his boxer from competing. In our view, a manager's responsibilities also include protecting his boxer's health and welfare. We believe that manager certification is a necessary check on the answers provided by a boxer who is scheduled to step into the ring .

B. Implement Changes to the Medical Testing Requirements

As is discussed throughout this Report, licensing decisions are made after the SACB reviews a boxer's character and medical history. Although the legislative findings place integrity issues (e.g. character of boxers) on an equal footing with protecting the "safety and welfare" of competitors, the safety of a boxer is the more important concern.

In a sport as violent as boxing, where the ultimate measure of a champion is the ability to knockout competitors, the risks of serious injury, and even death, are real. Obviously, some injuries cannot be corrected by post-bout reviews of a regulatory agency. As a result, it is the responsibility of all those affiliated with a boxing match to take every precaution possible before a bout to ensure that

each boxer who steps into the ring is medically fit to compete. This includes the boxer himself, promoters, managers and matchmakers, in addition to the regulatory body. The boxer must make sure that all medical tests, and their results, are performed by qualified medical personnel and that accurate results are transmitted to the SACB. Managers are with the boxer on a regular basis, monitor the boxer's training regimen, and are responsible for the financial success and health of the boxer's career. As a result, these individuals have personal knowledge of a boxer's overall mental and physical fitness and this knowledge must be shared with regulatory officials. Likewise, promoters and matchmakers are in the boxing environment everyday and any information they might have on a particular boxer must be shared with the regulatory officials. Only through the collective cooperation and communication of all those involved in organizing and conducting a bout can we more effectively reduce the risk of serious injury during a bout.

Notwithstanding the foregoing, it is the regulatory body that is the critical player in collecting and evaluating all medical information regarding a boxer and determining whether an individual should be permitted in the ring. After reviewing the existing procedures, formal and informal, utilized by the SACB in the receipt and evaluation of medical information, we recommend that several significant changes be made. These recommendations are set forth below.

1. The results of a CT/MRI Brain Scan must be submitted to the Commissioner at least 48 hours before the bout.

2. The results of all other required medical tests must be submitted to the Commissioner at least 48 hours before the bout.
3. All medical test results submitted to the Commissioner and a copy of the boxer's fight history must be turned over to a physician immediately for review.
4. SACB physicians should be appointed to particular bouts at least ten days before the event.
5. The Board, the Commissioner and the Chairperson of the Medical Advisory Counsel should establish a medical review board to examine any test results that are submitted by a boxer prior to a bout which the assigned Board physician determines are abnormal or otherwise raise any issue concerning the health or safety of the contestant.
6. If the Board physician for the bout determines that any test result is abnormal or otherwise raises a medical issue, the physician should immediately contact the Commissioner and the medical issue must be referred immediately to the medical review board.
7. The physician who reviews a boxer's medical test must prepare and file a written report, on a form to be developed by the Board, detailing the tests received and the physician's review of those tests.
8. If a boxer suffers a knockout or technical knockout in his or her last two bouts in any jurisdiction, the Commissioner must contact the regulatory body in each jurisdiction to determine the circumstances of the knockout

or technical knockout even if no suspension was imposed; or, if a suspension was imposed and was subsequently lifted, that information must be provided to those SACB physicians assigned to the bout.

9. Require the Medical Advisory Council, in consultation with the Commissioner, to set forth in detail what medical tests are to be performed by the assigned physician at the weigh-in and pre-fight medical examinations.
10. The Medical Advisory Counsel should make every effort to have a physician who specializes in neurological conditions to be a member of the Council.

Similar to the concerns expressed in the licensing section of this Report regarding when information is provided to the SACB, an identical problem exists with respect to the provision of medical information. To be licensed, a boxer must have certain tests which are performed by private physicians, retained and paid for by the boxer or promoter. (These tests are discussed in detail on page 15, *supra*). Under the current practice, these test results are provided to the SACB usually no more than one or two days prior to the bout. In fact, it is common for a boxer to complete his license application and submit the application, with his medical tests, at the weigh-in.

The problem with this process is apparent. The atmosphere 24 hours before a bout can be described as hectic. Regulatory officials are addressing a multitude of bout-related issues in addition to having to license the 12 or 14 boxers and 24

to 36 seconds for a medium or large size show. In this pressurized climate the possibility of a mistake or oversight is heightened. Certainly, regulatory officials, including SACB-appointed physicians, cannot engage in the type of review and analysis that is necessary to evaluate a boxer's medical fitness. In addition, this last-minute process effectively precludes the Commissioner and SACB medical personnel from requesting a clarification of test results or from contacting a physician who performed one of the tests. In fact, it is difficult for a SACB physician to seek the advice of his or her colleagues at the time of the weigh-in. In addition, the pressure on the Commissioner and SACB physicians is further heightened by the fact that the disqualification of a boxer or two could seriously affect the financial success of the show.

If the safety and welfare of a boxer is the SACB's primary mission, the medical review process must be modified. To more effectively remedy these problems, SACB must have medical information much earlier in the process. One of the most critical tests, and also the one most subject to varying interpretations, is the CT/MRI Brain Scan. The regulations require that the results of such a test be submitted to the Commissioner for review. Since boxers, in particular those who have been fighting for a number of years, have sustained numerous blows to the head during their career, these tests frequently contain indications that could be interpreted as abnormal. This is not to say that these "indications" mean that an individual is not medically fit to box; it simply means that a careful analysis of the test results, in consultation with other qualified medical personnel, must

be undertaken and additional testing made available when necessary.

This review process of analysis, consultation and additional testing can only occur if the SACB has medical test results regarding the CT Scan at least 48 hours before the bout. This extra time will provide SACB physicians with time to carefully review the results and consult with other SACB physicians to determine medical fitness. In addition, this process will also provide a benefit to the boxer in that if there is information that might indicate a medical fitness problem, the boxer will have time to undergo additional testing to demonstrate his fitness to compete.

We also recommend that with respect to all other required medical tests, the results must be submitted to the SACB at least 48 hours before the bout. Again, these deadlines will also help to eliminate any pressures, whether real or perceived, that naturally arise on the eve of an event where a boxer may be disqualified by an SACB physician for medical reasons.¹⁴

The timely receipt of such medical information is critical in our goal to protect the safety and welfare of boxers. The responsibility to ensure that all this information is timely submitted is placed on the Commissioner and his staff. However, this medical information, once provided, must immediately be given to

¹⁴These recommendations are suggestions which should be reviewed and evaluated by the Medical Advisory Council. If the MAC is of the opinion that, after taking into consideration the nature of the boxing industry, more or less time is needed for a SACB physician to do his or her job, we would defer to its conclusions.

the SACB physicians who are assigned to the bout. Failure to immediately make this medical information available to the appropriate SACB physician will defeat the very purpose of requiring early submission. We therefore recommend that the SACB and the Commissioner promulgate a regulation whereby SACB physicians are appointed to bouts at least 10 days before the event. This designation will allow the Commissioner's staff to forward information immediately to the person who is responsible for its review.

If the designated SACB physician obtains a boxer's medical tests and determines that there is either an obvious abnormality or other negative factor that requires interpretation, a formal procedure should be established on how to proceed. We recommend that the SACB, Commissioner and MAC consider creating a review board, or its equivalent, so that the designated SACB physician knows beforehand who is available for him or her to consult with regarding medical questions. While we will defer to the regulatory agency as to exactly what the procedure should be, and how it should be implemented, we recommend that it address, at a minimum, the following issues:

- ! At least two SACB physicians should be designated as a review team to assist the SACB physicians for each event.
- ! The designated SACB physicians for a bout should be in a position to immediately call upon the SACB physician review team to discuss medical issues relating to the fitness of a boxer to compete.

! The review procedure developed by the SACB, Commissioner and MAC must be memorialized in writing and formally promulgated.

! The Commissioner must be notified by the SACB physician if any medical issues exists or if the matter is being referred to the review board.

Such a process will help to ensure that all medical questions, particularly those that are subject to varying interpretations, are carefully addressed in a timely manner by more than one SACB physician.

As noted above, the boxer history provides regulatory officials with a summary of a boxer's career. In addition to listing current suspensions, the history also lists every opponent of the boxer and the result of the bout. A boxer's record can provide important information to a SACB physician when making a decision about his medical fitness to compete, particularly if a boxer has been knocked out in a recent bout.

Reliance on a boxer history, however, may not be enough. As evidenced in the Stephan Johnson case, varying interpretations by different state athletic commissioners can result in the provision of inaccurate or incomplete information to the boxer registry. We believe that the fact that a suspension is not indicated on an official boxer history should not end the inquiry by regulatory officials. We recommend that if a boxer has suffered a knockout or technical knockout in his last two bouts in any jurisdiction, the Commissioner should contact each regulatory body in those jurisdictions and inquire about the circumstances of the

knockout or technical knockout even if no suspension was imposed or if a suspension was imposed and was subsequently lifted. The results of any such inquiry, and any relevant documents, should be immediately shared with the SACB physicians assigned to the bout.

Another area that requires clarification in the medical context is the weigh-in and pre-fight examination. As noted earlier in the Report, all medical tests are performed by private physicians retained by the boxer and the results of those tests are forwarded to the SACB. With certain exceptions, the test results are reported as either normal or abnormal and the SACB will rely upon those results.

SACB staff, including physicians, are under no obligation to second guess or “look behind” the result of those tests performed by private physicians retained by boxers unless there is reason to believe that the test results have been altered or are incomplete. If a test result, however, is ambiguous or otherwise suggests an abnormality, SACB personnel and physicians should investigate and, if appropriate, require additional testing.

The weigh-in examination is performed by the SACB physician at the weigh-in, which is usually the day of or the day before the bout. The SACB physicians will perform a second medical examination of the boxer shortly before the bout is to begin. From our discussions with SACB officials and the MAC, each of these examinations takes no more than five minutes. The primary purpose of each examination, in addition to performing certain medical tests, is for the SACB

physician to become familiar with the demeanor of each particular boxer so he or she is better able to determine whether the boxer has been injured during a bout.¹⁵ Tests performed by the SACB physician at these examinations include blood pressure, heart rate, a cursory eye examination and the physical inspection of the boxer to make sure the boxer has no broken bones or cuts. The results of each examination are recorded on a form which must be provided to the Commissioner within 24 hours of the bout.

Certainly the detailed medical tests submitted by the boxer for the purpose of obtaining a license are the most important in determining a boxer's medical fitness. However, the regulations are not specific about what tests SACB physicians should be performing at the weigh in and pre-fight examinations. The regulation simply states that each examination should include all the tests required for licensure if the SACB physician deems it necessary but, in all cases, shall include a "thorough ophthalmological and neurological examination and a urinalysis." We recommend that the MAC, in consultation with the SACB and the Commissioner, specify in more detail the type of tests which should be performed at each of these examinations. In this regard, we also recommend that the form completed by each SACB physician after performing these examinations be changed. The current forms provide virtually no space for the SACB physician to

¹⁵By regulation, the SACB physician can unilaterally stop a bout if he or she believes that the boxer is not medically fit to proceed.

record his notes and some of the completed forms reviewed by us contained very little information. We recommend that the MAC, in consultation with the SACB and the Commissioner, develop a new form in the nature of a checklist so that SACB physicians can record pertinent medical information and so that a record of each examination is maintained by the SACB.

To assist the SACB and Commissioner with respect to medical issues, the statute created the Medical Advisory Council which is discussed in detail above.

From our discussions with the SACB and the Commissioner's office, we believe this body has been very helpful in developing new regulations, internal procedures and in the training of SACB personnel. One of the most important medical issues confronting all SACB personnel when evaluating the medical fitness of boxers involves neurological issues. Accordingly, we believe that New Jersey should make every effort to ensure that SACB personnel are trained in recognizing risk factors relating to head injuries. In our discussions with both the Chairman of the MAC, the SACB and the Commissioner, we have been advised that efforts have been made, without success, to recruit a physician with a speciality in neurology. Given the risk factor to boxers regarding blows to the head, we recommend that the SACB, the Commissioner and the MAC continue to make every effort to have physicians with an expertise in the field of neurology become part of the MAC.

C. Reorganize the Structure of the State Athletic Control Board

In our review of the licensing process, we noted that the administration of the licensing process should also be examined to ensure that the proper

organizational structure is in place to carry out the other substantive recommendations set forth in this Report. This review revealed that the Commissioner and his staff are responsible for virtually every aspect of the regulation of boxing with the exception of adoption of regulations and the hearing of contested cases. This delegation places a significant burden on the Commissioner and his staff and makes it more difficult for him to address other important issues which invariably surface the day of the bout. We believe that this concentration of authority is not the most effective way to regulate boxing. For the reasons detailed below, we offer the following recommendations:

1. Convert position to that of a full-time Chairman of the State Athletic Control Board or, in the alternative, increase the compensation of all board members and provide for a regular and frequent meeting schedule for the Board.
2. Create the position of Secretary to the Board.
3. Evaluate the position of Deputy Commissioner.
4. Designate a Deputy Attorney General to serve as legal counsel to the Board and Commissioner.

These organizational changes will allow the Board to take a more active role in decisions affecting boxing in New Jersey. Although the statute grants all licensing authority to the Board, by regulation over the years this authority has been delegated to the Commissioner. We believe that the placement of all this

authority and decision making in the Commissioner is not in the best interests of boxing, nor is it fair to the Commissioner. Similar to other governmental boards, the Commissioner should serve as an Executive Director responsible for the day-to-day operations related to boxing events. To burden one person with final decision making authority over all licensing matters is not effective nor does it allow the process to take advantage of the three member Board. A full-time or more active Chairperson, coupled with an active Board, would be helpful in assisting the Commissioner on a regular basis in policy and licensing decisions. Such a structural change will also provide more accountability and establish safeguards to help avoid missteps in the regulatory process.

This restructuring will also allow the Commissioner to spend more time on pure boxing issues. Under this reorganization the Commissioner will still be the “point person” for boxing in New Jersey and his recommendations on all issues should carry great weight with the Board. We believe that provisions must be made to allow the Board to delegate certain authority to the Commissioner, when necessary, where a last-minute or routine decision must be made. Structurally, we believe that the Board should be responsible for certain critical licensing decisions which raise potential concerns affecting an applicant’s “good character, honesty, integrity and responsibility.”

If such an administrative change is made, the Board will require the assistance of a staff member to handle the increased demands on them. We recommend that the position of Secretary to the Board be created to perform this function. This professional staff person will be responsible for organizing the hearing agenda and interacting on a daily basis with the Commissioner and his staff. With the assistance of the Secretary, we believe that the Board will be able to make determinations, such as those involving licensing, in a timely manner. Not only would such a change be consistent with the statute but it would also bring more accountability to the process.

In reviewing the staffing and organization of the SACB, we must also recommend that the Attorney General critically evaluate the position of Deputy Commissioner. The responsibilities of the Deputy Commissioner are not specifically defined, although he does assist the Commissioner in scheduling events and other administrative matters. In light of the licensing and structural changes recommended in this Report, we believe that the SACB and the Commissioner may be better served by having a second permanent Inspector to assist the Chief Inspector or having another professional added to the Commissioner's staff.

Finally, we recommend that a Deputy Attorney General be officially assigned by the Attorney General to provide legal counsel to the SACB and the Commissioner on a day-to-day basis. While a deputy attorney general of the

Division of Gaming Enforcement has been “unofficially” assigned to assist the Board and Commissioner, our review reveals that legal counsel is utilized only in limited circumstances. We believe that legal counsel should be apprised of all matters that are before the SACB or the Commissioner, and not just those that are purely legal. Policy decisions on matters involving boxing are to be made by the SACB and the Commissioner but comment and advice must be solicited from counsel. To ensure that communication between and among legal counsel, the SACB and the Commissioner, the Attorney General should officially designate an attorney to that position. The Counsel to the Board should be actively involved in licensing and other Board matters, and can serve a vital role in assuring compliance with all those procedures necessary to fulfill the SACB’s mission.

V. ENHANCED REGULATORY OVERSIGHT OF PROMOTERS AND THEIR RELATIONSHIP WITH SANCTIONING ORGANIZATIONS

Although the SACB has broad authority to regulate boxing in New Jersey, the agency lacks the jurisdiction to exercise oversight over the sport's major sanctioning organizations. The need for such oversight is clear, however, given the significant influence that these organizations exert over all major boxing events. Testimony elicited during the recent IBF trial revealed that sanctioning bodies and boxing promoters have engaged in questionable practices in connection with rankings and the sanctioning of events conducted by these organizations.

According to trial testimony, one promoter testified that for a period of seven years or more he made regular payments of between \$2,500 and \$10,000 to IBF officials in order to secure favorable treatment for the boxers he promoted. He also testified that in one instance the IBF demanded, and he paid, \$100,000 to guarantee a rematch between his fighter and another boxer.

Another promoter testified that he agreed to pay IBF officials \$100,000 in exchange for the IBF's sanction of a bout between the promoter's fighter and an unrated opponent; a bout which otherwise was prohibited by the IBF's own by-laws. The promoter admitted to collaborating with associates of the IBF to devise a scheme in order to divert payment of the \$100,000 to the IBF. The scheme involved issuing checks to a European promoter, who in turn cashed the checks and arranged for the proceeds to be delivered to the sanctioning organization.

This evidence produced at trial, particularly the testimony of these promoters, confirmed the whispers heard so often that in certain instances ranking and sanctioning decisions are tainted. If New Jersey is serious about regulating boxing, it must take action against any licensee who engages in conduct that is detrimental or otherwise compromises the integrity of the sport. Based upon the evidence presented at the federal trial involving the IBF and various boxing promoters, managers and others, we recommend that the SACB take decisive action against those who engaged in conduct that can only be characterized as inimical to the best interests of boxing.

In addition, the SACB should actively exercise oversight over all promoters who seek to conduct events in New Jersey. Such oversight should include a thorough review of a promoter's application for a license and an examination of a promoter's ongoing relationship with sanctioning organizations. We acknowledge that this is a difficult task considering the fact that sanctioning organizations are not within the SACB's regulatory reach. However, given the importance of this issue, the SACB's lack of jurisdiction only highlights the need to more closely monitor the relationships between promoters and sanctioning organizations.

VI. REGULATORY PROPOSAL GOVERNING THE LICENSURE OF BOXERS

Presently, although Title 5 requires that all individuals be required to establish their “good character, honesty, integrity and responsibility” before being issued a license, no criteria have been promulgated with respect to boxers on what satisfies this standard. There is an existing regulation that sets forth criteria for the issuance of a promoters license. Specifically, *N.J.A.C. 13:46-4.27* states that the Commissioner may grant a license to a promoter if he demonstrates “to the satisfaction of the Commissioner financial responsibility, experience, good character and general fitness” but no license will be issued “to any applicant convicted of any offense in this or any other jurisdiction which would be under New Jersey law a crime of moral turpitude or any other offense which indicates that licensure would be inimical to the conduct of the sport of boxing” in New Jersey.

However, there are no licensing criteria for boxers or any other persons licensed by the Board. Under existing SACB policy, a boxer will not be issued a license unless he passes all required medical tests, is not under suspension by another boxing regulatory agency and the Board and Commissioner have no information that the applicant has violated New Jersey’s statute or regulations. With respect to criminal conduct, under the current practice New Jersey will only bar an applicant boxer from obtaining a license to box if there is an outstanding criminal warrant issued by a law enforcement agency. Obviously, New Jersey

does not want to grant an individual the privilege to box while he is wanted by another governmental agency.

We believe, however, that the statutory language is quite clear; the applicant must establish by “clear and convincing” evidence his or her “good character, honesty, integrity and responsibility.” In light of this language, the mere consideration of whether an applicant has an outstanding warrant does not satisfy this statutory standard. An applicant’s criminal history, his overall history in the ring, including issues such as disciplinary actions or suspensions by other boxing regulators, are probative of an applicant’s fitness to obtain a license and therefore should be considered by the boxing regulatory authorities before a license is issued.¹⁶ We therefore believe that the existing standard of “good character, honesty, integrity and responsibility” must be given its proper meaning. Of course, we are mindful that boxing is a unique sport and that it serves as a viable outlet for many young people whose circumstances have not provided them with other opportunities. As a result, any changes to the licensing process must take into account these considerations so as not to impose unrealistic standards.

To address this void in the licensing scheme, a regulation is being considered by the Board which sets forth criteria to be utilized by it when making

¹⁶It should be noted that the Legislature could lessen this licensing standard by amending the statutory language in *N.J.S.A. 5:2A-15*.

a determination as to whether to license a boxer.¹⁷ (See Exhibit J) This regulation includes provisions that place the burden on the applicant to establish his or her good character, honesty, integrity and responsibility and sets forth a framework by which the Board can evaluate an applicant's criminal history. Of particular significance, the proposal would not automatically bar a boxer from being licensed even if he were convicted of a serious offense. Rather, it requires that if an individual was either incarcerated or had some other connection to the criminal justice system (e.g. parole, probation) within the last five years, the applicant would have to demonstrate his or her rehabilitation to the Board. This procedure will allow the Board to give substance to the "good character, honesty, integrity and responsibility" standard while taking into consideration that many boxers have had encounters with the criminal justice system. We would urge quick adoption of this regulation so that the Board has guidance as to how to evaluate a boxer's "good character, honesty, integrity and responsibility." In addition, we recommend that the Board consider imposing this same standard on all individuals who seek to obtain a license from the SACB.

¹⁷The Board is also considering a revised version of the regulation that makes some minor changes to the rehabilitation procedures. We urge the expeditious adoption and implementation of some version of the proposed regulation.

VII. CONCLUSION

With the recommendations outlined in this Report, we believe New Jersey can continue to be the boxing jurisdiction that is widely considered the leader in terms of boxer's health and overall integrity. With the removal of unsavory characters from the world of boxing, and with the necessary stress on safety, we feel that boxing can again enjoy its heyday as a sport whose participants are celebrated. As a regulatory body, the SACB can and should become the model agency for boxing worldwide, and can be the sport's most powerful ally. With these proposals, we believe that some necessary reform will take place, and all those involved with boxing in the State of New Jersey will be better served.