

## **The 73rd Round**

(NOTE: The "Q & A" passages in these reports, as well as the direct quotes, are a product of a deposition taken from Jack Kerns, dated December 10, 2002)

In Part Six of my special report "Horse Manure Isn't the Only Thing That Stinks in Kentucky", originally published in March of 2002 and included in the book "Operation Cleanup: A Blueprint for Boxing Reform", Brian Walsh, a friend of Greg Page who was serving as a representative in negotiating his fight with Dale Crowe, told me that Jack Kerns, who was chairman of the Kentucky Athletic Commission at the time, was an active part of the process, discussing purse figures, and communicating offers from his office, as if part of the actual fight promotion.

As Walsh told me earlier, "I received calls from Kerns' home. One time, (promoter Terry) O'Brien was there with him. It was like dealing with a team. If I couldn't get ahold of Terry, I could just tell Jack. Whenever we'd have problems in the negotiations, I'd get calls from Jack Kerns." He also said Kerns "discussed all financial aspects of the fight with me."

Doug Morris, the attorney for Greg Page, explored this arrangement in more depth in his deposition of Kerns:

"Q: Do you recall having a conversation with Brian Walsh about the fight?

A: Brian Walsh, I didn't remember at first. He run a printing press down in Louisville, and he told me he was managing him, but then I heard that Doolin (James Doolin, Page's trainer) was his manager and whenever - like I couldn't reach Greg at his home, well, then sometimes I would call down at his printing place and talk to Mrs. Love, which is now Mrs. page, I understand.

Q: Do you recall advising Brian Walsh how much Greg would be paid for the fight?

A: No, sir.

Q: Were you involved in determining how much the -

A: The state set what it would pay.

Q: The state of Kentucky?

A: Yes, sir.

Q: And what did the state of Kentucky determine it would pay?

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Written by Charles Jay  
Wednesday, 23 July 2003 18:00

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A: I think it was the \$1500 that the - the state of Kentucky wouldn't pay this now. It would be the promoter that had to pay it.

Q: But the state determined that the promoter would have to pay \$1500?

A: Yes.

Q: And by what method did they make that determination?

A: Well, they didn't want no promoter to go up and put a fight on and make money off the fight and the fighters not get anything.

Q: Now, when you say the state of Kentucky, are we talking about the athletic commission?

A: Yes, sir.

Q: So the athletic commission told the promoter that the promoter would have to pay the fighter \$1500?

A: Yes, sir."

If this was the case - if indeed a state athletic commission was actually involved in setting purse figures - it would be a pretty unique role for that commission to be playing. In fact, it's something I've never heard of before.

But as for unusual roles, that was just the beginning.

Morris discussed Kerns' interaction with the promoter of the Page-Crowe fight, Terry O'Brien.

"Q: Do you recall him (O'Brien) faxing any documents from your house?

A: I faxed a contract to Greg, so he would sign it and send it back to me.

Q: Where did you get that contract?

A: We have contracts down in our office.

Q: Did you send him a blank contract?

A: Yes - well, no, I can't - I don't know. It was probably filled out. Yeah, it had to be filled out or he wouldn't have signed it.

Q: Who's the contract between, the one that you faxed?

A: Between Greg Page and Dale Crowe.

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Q: Were you involved in negotiating that contract?

A: No, sir.

Q: Who would have negotiated that contract?

A: Terry O'Brien and Greg Page.

Q: And why would you have been involved in sending by fax a contract that Terry O'Brien had negotiated?

A: Because I told them they had to get that contract in to me if they wanted to - the commission put \$5000 aside to do advertisement for the fights. Well, I wasn't about to spend any of the money of the commission unless I had a contract signed that they were going to fight. So when I got the contract, then that's when I put some publicity out on it - just on the championship fight."

A novel idea indeed. Maybe TOO novel.....

"Q: Is there anything in the regulations or statutes that relate to the Kentucky Athletic Commission that allow it to spend its budget to promote fights?

A: We asked our attorney (Scott Porter) about that, and the attorney said, yes, we could, as long as we advertised for the championship fight. We couldn't advertise for any other fight on that card, just the championship fight.

Q: Well, let me ask you before we talk about the attorney: As we sit here today, are you - as chairman of the commission, are you familiar with any regulation or statute that allows the commission to spend \$5000 to promote any fight?

A: No, other than that we conduct the business of the Kentucky State Athletic Commission and part of the business was to put this money aside.

Q: Well, I understand that that's what you decided to do, but what I want to know is, as we sit here today, are you familiar with any state regulation or state law that empowers the Kentucky Athletic Commission to spend \$5000 to promote a fight?

A: Well, you would have to refer to my attorney on that, because he's the one that give me the information that said that we could.

Q: So you can't cite me to any regulation or statute?

A: No sir.

Q: Did the commission spend money to promote the fight between Greg Page and Dale Crowe?

A: Yes, sir.

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Q: And tell me about that. How did you promote it?

A: I didn't promote it, sir. I bought advertising for it. I had nothing to do with promoting it.

Q: How did you spend the \$5000?

A: Through radio and cable television.

Q: What did you say in those advertisements?

A: That there would be a heavyweight championship fight at Peel's Palace and give the date and the time."

What's important about all this - what we were proposing in our original story, and what I'm sure Morris is getting at here - was that in committing state funds to actually ADVERTISE a fight promoted by a licensee, Kerns was venturing into some very dangerous territory. Clearly it represented a position of conflict of interest.

In other words, it can be argued rather easily that since the promoter would profit from such advertising, and the commission would bring in revenue through residual effect, the commission had assumed the role of a "promotional partner" in this case; certainly the investment of taxpayer dollars gave the KAC an added motivation to facilitate that the Page-Crowe promotion go forward, come hell or high water. Then, faced with the option as to whether to stop the fights before they began upon recognition of safety violations, the decision invariably became more than simply a regulatory question. There was an additional monetary angle to contemplate.

Not only that, but considering that the accounting of those receipts may not be in order, if there was indeed no clear authorization in the law for Kerns to spend this money, and a misinterpretation of whatever an attorney might have told him, there would likely be considerable repercussions for Kerns had the Page-Crowe fight not come off as scheduled.

You could bet your bottom dollar it was going to come off.

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