

By George, It's An 'American Outrage'

Written by Charles Jay

Tuesday, 07 September 2004 18:00

What happens when a couple of shifty promoters, an egotistical attorney playing both sides of the fence, and our favorite anti-reform figure, Greg Sirb, all get on the same page with an agenda in mind? Nothing good, I can promise you that

Please take my word for it when I tell you I do NOT make this stuff up.

In point of fact, if there were scripts written, they couldn't come out more ideally than some of these stories I stumble upon. And those that stumble upon ME.

I'll illustrate a case in point. As all of my readers know, over the last couple of years, I have, on occasion, been engaged in exposing various hypocrisies of Greg Sirb, Executive Director of the Pennsylvania State Athletic Commission and a prospective candidate for the position of national boxing "czar".

Whether this has had any real effect on Sirb's dreams and/or schemes to maneuver his way into the #1 administrative spot in boxing is not clear. Nonetheless, Sirb, who exists to placate politicians, has by necessity become very image-conscious.

So what's a wannabe to do?

Well, surely there's not much to be done on his part in terms of damage control, because the stories I have written about him, including that of the 16-year-old he allowed in the ring, flying in the face of Pennsylvania state law (Maurice Harris) or all of "Sirb-Gate" (which examined Sirb's questionable involvement in running a "non-profit" ostensibly for the benefit of retired fighters), have been unusually well-researched and documented. And Sirb has had ample opportunity to respond for the record.

I imagine that without answers to effectively "spin" the story his way, he chose not to provide any.

Instead, he got himself "lawyered up", as they say.

The attorney's name is George Bochetto, and he's no stranger to many in boxing circles, or local politics in Philadelphia. A 52-year-old New York native and Temple Law School graduate, Bochetto has had numerous flirtations with political office, and fancies himself something of a boxing expert. In fact, according to his bio, he is currently writing a book called "Boxing - An American Outrage", a would-be "Operation Cleanup", to be sure, that will reportedly deal with the "need for major reforms in the sport". And guess what - he, like his client, has had a delusion with the idea of being the nation's "boxing czar". In a July 31, 2001 story in the Philadelphia Daily News, he told the writer, Bernard Fernandez, "I would relish the opportunity to head a federal boxing commission. I think I would be the ideal person for that position. I have some very strong ideas as to how (a federal boxing commission) should be run, and I wouldn't

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be afraid to make the moves necessary to clean up the sport."

Bochetto has been involved with several high-profile legal cases involving boxing, with mixed results. He represented former middleweight champion Joey Giardello in a 2001 case against the producers of the film "The Hurricane", claiming that the message from the film - that Giardello was the beneficiary of a highly-charitable decision when he beat Rubin "Hurricane" Carter in 1964, was defamatory. He won that case for Giardello.

Bochetto also represented an old friend, former heavyweight contender Randall "Tex" Cobb, long since retired, in a lawsuit against Sports Illustrated, stemming from an October 1993 story in which Sonny Barch, a heavyweight from Tennessee, made the assertion that a September 1992 fight between him and Cobb was fixed. Bochetto and his client won a verdict in that one, but lost on appeal.

An historical connection existed with Sirb, as Bochetto served on the Pennsylvania State Athletic Commission from 1995-2001. The two had participated together in numerous "tough guy" variations for the benefit of charity.

And so he went to work for his client against me, seeking to somehow find enough justification to launch a libel action. I suppose one of those "necessary moves to clean up the sport" was to snuff out the most legitimate and loudest voice for real boxing reform.

Apparently, part of Bochetto's modus operandi was to contact people who had been quoted in the "Sirb-Gate" series and see if there was any way they would back down from their statements. I had gone to the trouble of sourcing quite a few people, including Larry Hazzard, the executive director of the New Jersey State Athletic Control Board; Tom Mishou, the executive director of the Georgia Boxing Commission, and Malcolm Garrett, a promoter from LaPorte, IN.

Bochetto did not contact them, at least not to my knowledge. I suspect he knew he was going to get nowhere with them, and might even receive reaffirmations that might put his client in an even worse light. Instead he zeroed in on those whom I can only assume he felt might turn against me.

One of those people was Lou DiBella, the New York-based promoter and former boxing boss at HBO, who was extremely upset when I first informed him in February of last year that a "charitable trust" to which he had donated \$5000 was not a registered 501(c)3 corporation and thus his contribution might not be tax deductible. DiBella initially told me "I want my money back", then some months later, when I revisited the story, asked me if there was any way I could HELP him get his money back. DiBella, who I suspect began to consider the political ramifications of things after Sirb-Gate was first published (i.e., he may have to go back to Pennsylvania to promote some day), later tempered his comments, as they were given to others, as if to mitigate their effect.

In a story published on his website last September 6, an internet columnist named Rusty Rubin wrote that:

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"In speaking to the funds biggest contributor, promoter Lou DiBella, who I know is sincere about caring for others, Lou tells me that he trusts Sirb, and he doesn't care if the fund is non-profit or not, he knows his \$5,000 gift will go to help those in need, and he trusts Greg completely."

He may have been lacking in judgment in that regard, but to DiBella's credit, he never denied the comments he made to me.

Also getting a call was Mike Acri, the Erie, Pa.-based promoter who in May 2001 put on a show in Pittsburgh, in which part of the proceeds were supposedly going into Sirb's charity organization (the Professional Boxers Assistance Foundation), but never did. Acri, who was candid with me at the risk, I imagine, of damaging his relationship with Sirb, once again verified the accuracy of my reporting.

That left Bochetto with another "prospect". And here is where the plot thickens, as they say.

Patricia Love-Page has been frustrated for the last three years trying to get help from the boxing community for her husband, former heavyweight champion Greg Page, who suffered brain damage as a result of a March 9, 2001 fight against Dale Crowe, a situation that, in all probability, was exacerbated by the fact that the Kentucky Athletic Commission, which oversaw the fight, had no ambulance, oxygen, or stretcher at the site, nor did they have a licensed physician.

When Patricia first contacted me about her husband's plight, she indicated that no one in the local or state press appeared to be interested in a story that with each additional fact I uncovered became more and more fascinating and alarming. Being ignored by sportswriters was simultaneously both surprising and somewhat expected - many writers wouldn't know a story if they were run over by one, but at the same time, this was something so incredible it seemed impossible to ignore. In other words, it's the type of story that could run you over, and then some.

One of things that had Patricia more upset than anything was the fact that Greg Sirb - this guy who gave a lot of lip service to looking out for fighters, had not been outraged about what happened in Erlanger, KY that night. He knew that malfeasance had occurred. In fact, he appeared on an ESPN "Outside the Lines" segment on Easter Sunday to discuss it. But not only had he not had the courage to call the commission onto the carpet for their actions on that telecast, he actually stood by and said nothing while the man responsible for the Page fiasco, Kentucky Commission Chairman Jack Kerns, was elected to the executive board of the Association of Boxing Commissions, of which Sirb was still, for the moment, serving as president.

Sirb had not exactly helped Patricia very much, nor did he go out of his way to inquire about Page's health; something she expressed feelings about in no uncertain terms in Chapter 7 of Sirb-Gate:

"He (Sirb) must have gotten a guilty conscience, while he was letting Jack Kerns sit there as

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vice-president of the ABC," she said at the time. "Sirb says he cares about fighters. But he just sat there and did nothing. He welcomed Kerns right into the good ol' boys club."

I was not there, but Patricia told me she also gave Sirb a good harangue in Las Vegas at the annual meeting of the American Association of Professional Ringside Physicians (AAPRP).

Patricia Love-Page is smart enough to collaborate with Kentucky legislators on a new boxing bill that hopefully will take sufficient form to be passed in the next session. At the same time, she is also smart enough to know that playing hardball, on a large scale, in the world of boxing politics would be futile for her; she is not a powerful person in this industry, so the Greg Sirbs and Tim Lueckenhoffs of this world are not going to do anything for her unless they absolutely have to.

But right before last Christmas, Greg Sirb evidently felt he had to.

In late December, Mrs. Page was somewhat surprised by an item she found in the mail. It was a check for \$100, sent by Sirb's Professional Boxer Assistance Foundation. Not being in any financial position to refuse, she gladly deposited it.

Then, a few weeks later, and out of the blue, she came home from work to find the following message on her answering machine:

"Hi, this is George Bochetto calling for Patricia Love-Page. I'm working with Greg Sirb up here in the Pennsylvania Athletic Commission. I just need to go over a couple of questions with Pat. If she would call me at 215-735-3900, I would appreciate it. Thank you."

The wording of that message was curious - "Working with Greg Sirb up here at the Pennsylvania Athletic Commission"? What did that mean? Clearly George Bochetto was not stationed at the commission offices, and he is not the official counsel for the commission - that assignment would go to someone from the state Attorney General's office.

Mrs. Page was a little confused by the message, since she didn't know who Bochetto was or what he wanted, but she returned the phone call anyway.

"When I called that number, the woman answered the phone 'Pennsylvania Athletic Commission'," she said. "I asked for him (Bochetto), and she said he was on another line. I left a message that I was returning his call."

She never heard back from Bochetto.

What Mrs. Page wasn't aware of was that the number she was calling was not, in fact, that of the commission, but Bochetto's law firm, Bochetto & Lentz, which is located on Locust Street in Philadelphia's Center City.

"Maybe they were expecting me to call back; that's why they answered it like that," she said." I

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Tuesday, 07 September 2004 18:00

guess they must have Caller ID. They could know that it was me calling."

Bochetto never identified himself as an attorney in the phone message, only as an associate of Sirb's at the athletic commission. Patricia found that rather strange.

"My way of thinking would be that if I called there and they answered that they were a law office I'd be saying, 'Hey, wait up a minute'."

Well, if indeed Bochetto is not listed as the attorney for the Pennsylvania State Athletic Commission (and sources inside state government tell us he has no official connection to it), and if what Patricia Love-Page is telling us is accurate, then why would he be masquerading as such?

Is he perhaps UN-officially employed?

Before we go down that road, let me bring forth a couple of the other boxing-related cases Bochetto has been involved with.

In April of 2002 Bochetto sued Bill Cayton's company, The Big Fights Inc. on behalf of Russell Peltz, who claimed that he had licensed million of dollars worth of fight tapes to Cayton, who in turn had included them in the sale of his own collection to ESPN in 1998, and not only had Cayton concealed that transaction from him, but he had not paid Peltz sufficient royalties when those fights were shown on ESPN's cable channels.

Cayton has since passed away, but to our knowledge, the case against his company is still active.

In another boxing case, I guess you could say I locked horns with Bochetto. Last year, middleweight Antwun Echols filed a lawsuit against his promoter, Arthur Pelullo of Banner Promotions, seeking to be released from his contract on the basis of "indefinite terms", with an additional claim surrounding a fee Pelullo accepted on Echols' behalf for the fighter to step aside and allow a WBC interim super middleweight title fight between Marcus Beyer and David Starie to take place.

Bochetto represented Pelullo in the case.

After the preliminary hearing, I was recruited into the case as an expert consultant for Echols' side and was to take the stand as an expert witness. Part of my preparation, which was extensive, involved a study of the transcripts from the hearing, which took place in March of last year.

In that hearing, regarding the issue of Echols' step-aside fee, Bochetto's contention to the judge was that in exchange for stepping aside and giving up his right to participate in a title fight, Antwun Echols was not entitled to one red cent, did not even have the right to know about any negotiations that were going on, and that if he WERE to realize any cash from surrendering that right, it would only be because Pelullo was being charitable.

By George, It's An 'American Outrage'

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Tuesday, 07 September 2004 18:00

When he was feeding his "boxing czar" story to Fernandez, Bochetto patted himself on the back for "my commitment to boxing, and to boxers."

Well, next time you hear that, just consider the source.

In my own opinion, Pelullo did not have the facts - or fairness - on his side. We won a summary judgment last June when the judge articulated, quite accurately, that the way Pelullo's contracts were written up provided an open-ended invitation to leave the terms indefinite, and in essence, the fighter, who did not draw up the contract, should not be disadvantaged by that. Recently, however, that decision was overturned on appeal, though we are investigating the possibility of taking the case in a different direction.

But I'm getting ahead of myself. The Echols case will be covered in extensive detail later on in this book.

Suffice to say that in the general scheme of things, Bochetto seems much more pre-occupied with legal fees than he is with the rights of fighters.

Which might make his services seem an odd choice for Sirb, who had at least created the facade that he was an advocate for pro fighters through his alleged authorship of the following "Professional Boxers' Bill of Rights":

- 1. You have the right to be treated in a professional manner and to be fully informed about all aspects of your sport.*
- 2. You have the right to have all terms of any contract with a promoter or manager in writing.*
- 3. You have the right to have all contracts read and explained to you, either by the local commission representative or anyone of your choosing (including an attorney).*
- 4. Before any bout you have a right to know your opponents name, their record, the weight class of the bout, the number of rounds of the bout, and the amount of your purse, including any travel or training expenses. To check on any boxers record, including your own, contact (Fight Fax) at 865-782-8868.*
- 5. You have a right to review, obtain and keep copies of any of your contracts.*
- 6. You have a right to directly receive any and all payments from a bout as set forth in your bout agreement.*
- 7. You have the right to receive a written, post bout accounting from either the promoter or your manager or both, which shows how the total amount of your purse was distributed. If you have any deductions taken from your purse you have the right to ask for a written accounting of what these deductions were, and why they were deducted from your purse.*
- 8. You have a right to have a doctor at ringside at all times as well as emergency medical*

By George, It's An 'American Outrage'

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Tuesday, 07 September 2004 18:00

personnel and / or an ambulance present at the location at all times.

9. You have a right to have medical insurance to cover any injuries resulting from a bout and to know the name of the insurance company and the amount of coverage that is being provided.

10. You have the right to hire individuals of your choice to serve as your managers, trainers or seconds. You are not required to hire any individual in order to obtain a bout.

11. You have a right to know why your ranking with any sanctioning body has changed and the reasons for this change. This may be done by writing to the organization and requesting why your ranking has been changed. The organization must respond to you, in writing, within (7) days.

12. You have a right to appeal any and all suspensions and to be informed on exactly why you were suspended and the length of your suspension. To check if you are on the National Suspension List just go onto the Internet at www.sportsnetwork.com and click onto Boxing then onto the National Suspension List.

13. You have a right to contact you local commission or the Association of Boxing Commissions to report any violations, ask any questions or seek any advice.

*** You as a Boxer should get a copy of and read the two federal boxing bills that detail many of your rights and responsibilities as a professional boxer. These two bills are:*

The Professional Boxing Safety Act of 1996 and the Muhammad Ali Act of 2000

Another reason Bochetto was an unusual choice to represent Sirb - a much more serious one - is because at the same time, he was also providing legal representation to licensed promoters (Peltz and Pelullo) who are headquartered in Pennsylvania and operating under Sirb's jurisdiction.

In this business, that's what we call a "conflict of interest", or to qualify it properly, at least the appearance of such.

I can hear the phrase "I didn't know" coming from the distance, but it would be kind of foolish for Sirb to deny knowledge of Bochetto's clientele; the cases involving Peltz and Pelullo were addressed in the media, they were known within the boxing community, and in fact, after Pelullo claimed his appeals victory over Echols, a press release was issued, trumpeting the win as "a major victory for all promoters" (And a major defeat for the pretentiousness of Sirb's "Boxers' Bill of Rights").

I want you to step back and delight in the irony of this situation for a moment. Here's a lawyer (Bochetto) fishing for a libel case, making inquiries about me on the basis of stories that were written about Sirb, and I wonder if he even realizes that the very act of his doing so, for this particular client, creates the conflict that in turn supplies all the justification for those stories having been written in the first place!

By George, It's An 'American Outrage'

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Tuesday, 07 September 2004 18:00

So how can the kinds of conflicts I'm talking about possibly manifest themselves?

Well, try this on for size:

Philadelphia-based promoter P.J. Augustine (5 For Life Entertainment) had scheduled a show for April 3 of this year, which headlined junior welterweight Julio Aquino. Slated for the undercard was a six-round bout featuring local heavyweight John Poore, a former "Tough Guy" competitor who had built a 14-0 record against a collection of substandard opponents with a combined mark of 33-64-9. Poore was also aligned promotionally with Russell Peltz.

The initial opponent for Poore on April 3 was Florida's Mike Middleton, but Middleton had to pull out of the fight with an injury. Augustine suggested a number of substitutes, but all of them were rejected either by Peltz, or Sirb, acting in his capacity as executive director of the commission.

Ultimately, no opponent acceptable to Peltz could be found. So Poore didn't fight. That appears to have been unacceptable to Peltz as well.

So Russell Peltz, a client of attorney George Bochetto, appealed to Greg Sirb, a client of George Bochetto, to do something about it.

The result was this letter, sent by Sirb to Augustine on April 28, 2004:

DATE: April 28, 2004

SUBJECT: Pro Boxing Event (4-3-2004)

TO: PJ Augustine - Promoter

FROM: Gregory P. Sirb, Executive Director, Pennsylvania State Athletic Commission

In consultation with counsel, I have reviewed the events that surrounded the pro boxing match of April 3, 2004 and specifically the bout agreement between you and boxer John Poore. As you know, if a contest to which a boxer is under contract has been canceled and no suitable opponent, as determined by the Executive Director, can be located, the boxer shall be entitled to "reasonable" expenses as determined by the Executive Director.

From the expenses that Mr. Poore provided this office we have reached the following conclusions:

Mr. Poore is entitled to

- \$1050 - for sparring partner expenses***
- \$154 - for tapes bought on possible opponent***

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Written by Charles Jay

Tuesday, 07 September 2004 18:00

□ **\$35 - for February gym dues - training for the fight**

= \$1239

▣ **\$309 - paid to John Poore after the fight**

Balance owed to John Poore = \$930.00. A check in this amount shall be made payable to John Poore and sent to my office within (15) days of the above date.

If you have any questions or concerns about this memo, feel free to contact my office. Also, you may request a hearing on the above ruling before the entire Commission. This appeal must be made in writing and sent to this office within (15) days of the above date.

Exactly which "counsel" Sirb consulted with is not known, but according to Augustine, in a subsequent conversation, Sirb directed Augustine to send the above-referenced money to Peltz, who would not seem to be authorized, by Pennsylvania law, to receiving money related to purses or expenses on behalf of a fighter.

Understandably, Augustine was upset. He wanted to be heard on the matter. Sirb was willing to grant a hearing, but warned Augustine that under those circumstances, he was going to allow Peltz, a fellow client of George Bochetto, to seek the entire \$3500 of Poore's purse for a fight that never took place.

Then a funny thing happened. P.J. Augustine started to fight back a little. He told Sirb he wanted the hearing anyway. He gathered his resources, brought a private investigator on board, and contacted me with information about the hearing. I made preliminary arrangements to be in Harrisburg for that proceeding.

And then an even funnier thing happened. Greg Sirb - client of George Bochetto, pursuer of Charles Jay - suddenly backed off and dropped the entire matter.

I don't know whether it had anything to do with the fact that I had suggested Augustine go through with the hearing in order to find out if Bochetto was going to step forward to represent Peltz. The "whys" and "wherefores" of that are mere speculation. But the fundamental questions do not change - how could a fighter, in a dispute situation against someone like Peltz or Pelullo, possibly expect to get a fair shake in front of this executive director? And how could a competing promoter possibly receive equitable treatment when a commission's decision in his favor might disadvantage other promoters who share the same legal counsel as the head of that commission?

Yeah, George Bochetto and Greg Sirb are right at home in the world of politics.

And by the way, guys, that's not a compliment.

Interestingly enough, the day before Sirb sent his letter, Bochetto had fired off one of his own to

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Tuesday, 07 September 2004 18:00

Augustine, presumably at the direction of a fighter Augustine had under promotional contract:

April 27, 2004

Re: Jose M. Medina

Dear Mr. Augustine,

Please be advised that I represent Jose M. Medina.

Mr. Medina hereby declares a breach and therefore termination of the Professional Agreement dated December 20, 2002, because of your failure to properly promote his career, your failure to properly select and designate fights which will advance his ranking, and your failure to provide proper training and other services. Because the Promotional Agreement was to expire by its own terms in December 2004, kindly accept this notice as immediate termination.

Sincerely,

George Bochetto

Was he really sending that letter on behalf of his client, Russell Peltz, who was enthusiastically in attendance when Medina fought a scintillating six-rounder with Charles Clark in Philadelphia on January 31, and who might be in line to sign the fighter if he could shake loose from Augustine?

Was it part of an effort with his other client, Greg Sirb, designed to punish Augustine for not having an opponent for John Poore on April 3?

Was it a matter of Bochetto tag-teaming with two of his clients (Peltz and Sirb) to weaken Augustine's position in the local boxing market, as a way of protecting a sizable investment Peltz has made in a South Philadelphia arena called the New Alhambra Boxing & Entertainment Center?

There are people close to the Philadelphia boxing scene who would insist they know the answers to those questions.

Personally, I would not.

But the very fact that these questions can be asked - plausibly - because a state official and a member of the bar are making it possible for me to do so by their own activities, should be a cause of great concern to anyone who is interested in the future of boxing.

So where does that leave us?

Well, it leaves us with a hearing, about the future of boxing.

By George, It's An 'American Outrage'

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Tuesday, 07 September 2004 18:00

The House Subcommittee on Commerce, Trade and Consumer Protection has scheduled a session for Thursday to discuss the Professional Boxing Amendments Act, and as luck would have it, Gregory P. Sirb will be one of the panel members testifying. When you've got someone who exemplifies the kind of conflicts of interest, and appearances of the same, that serve to discredit boxing in the public eye, yet shows precious little in the way of sensitivity or conscience toward it, and is given the forum, again and again, to trot himself out, perhaps in the pursuit of getting the job that will give him ultimate regulatory authority over the business, what kind of commentary is that on the sport of boxing?

And are we going to continue facilitating the appearance of attorneys, who should know better, being in a position to exploit their relationship with one client to benefit other clients, with a state official seemingly all too willing to go along?

Enough is enough. As far as I'm concerned, it is long overdue for many of the issues concerning Sirb, including the nature of his nefarious "attorney-client" relationship, to be investigated by the Pennsylvania Secretary of State, Attorney General, Auditor General, Ethics Commission, and Governor's office, not to mention the aforementioned House committee and McCain's Committee on Commerce, Science and Transportation. And so they will receive copies of this story, and a lot more.

We'll be sure to send it to a few state bar associations as well, if that will do any good.

No one's going to run this kind of shell game in MY sport.

Let me re-word that - they'll do it over my dead body.

On a final note, in terms of any libelous action that might be alleged against me, Bochetto HAS no case. Where were the real damages done to Greg Sirb? Did he lose his job as a result of my stories? Did he lose out on an opportunity to kiss any politician's ass because of me? It's obvious that if the state of Pennsylvania had fired Sirb - or if they fired him in the near future - because of something I published, it will only be because they performed their own due diligence and validated the stories. The same goes for John McCain, Ken Nahigian, and others associated with the U.S. Senate committee that has dealt with the new Professional Boxing Amendments Act.

Nothing was represented as fact where the opposite was known to be true; nothing was published with malicious intent and a desire to damage.

As for everything else, well, that's opinion.

Bochetto may be a lot of things, but he's no dummy. He knows there's really nothing to contest.

So why would he even proceed?

I imagine it was to send a message along for the purposes of silencing, or perhaps intimidating me.

By George, It's An 'American Outrage'

Written by Charles Jay

Tuesday, 07 September 2004 18:00

Are these guys playing in the wrong f**king ballpark, or what?

Let me put it this way - my response to Bochetto's first go-around of questioning was to produce a chapter in BODY SHOTS called "The Gutless Wonder(s)", which I'm told had Greg Sirb rather infuriated.

Take THAT, evil doers!

Oh, and for the record, if the situation arose, I'd be more than happy to take a deposition from Mr. Sirb.

There are some people close to me who are actually salivating over the prospect.

So lace up the gloves on those "clean hands", and let's go.