

JUDGING THE DE LA HOYA-MOSLEY SITUATION

Written by Charles Jay
Thursday, 18 September 2003 18:00

The 91st Round

Okay - now that Bob Arum has dismissed the notion of an out-and-out "conspiracy" surrounding the De la Hoya-Mosley decision, let me get around to the point no one in his camp had made.

One of Arum's big points of contention was over the presence of South Africa's Stanley Christodoulou, which, as Arum claims in stories that have appeared in the Los Angeles Times and Las Vegas Review-Journal, was objected to by the World Boxing Association (one of the bodies sanctioning the DLH-Mosley bout) without his knowledge.

One thing Arum didn't seem to be aware of at the time was that Christodoulou may have been ineligible for that fight for other reasons.

First of all, I think we all have a high regard for the credibility of Christodoulou, a renowned referee of championship events who was serving as one of the three judges for the DLH-Mosley fight - scoring the bout 115-113 for Mosley, along with his two colleagues, Nevada's Duane Ford and Anek Hongthongkam of Thailand.

I didn't agree with the decision, at least sitting here on this day and having not yet seen a replay of the fight. But that's neither here nor there. The point that carries some importance, for purposes of today's discussion, is that by standards that have now been established in writing by the Association of Boxing Commissions, not to mention what appears to be its interpretation of existing federal law, perhaps Christodoulou should have never been a judge for that title fight in the first place.

One particular question about Christodoulou was originally broached in a March 4 column by Harold Lederman on the HBO website (<http://www.hbo.com/boxing/columns/lederman/20030304.shtml>), after the Roy Jones-John Ruiz fight:

"Stanley has always appeared to be an honest man who was once the head of the boxing commission in his home country and now makes no secret about being a member of the ratings committee of the World Boxing Association. He is too good a referee to give that up, so I really feel he should resign from the ratings committee, because there is too much room for controversy being an official for some guy you helped get in the ratings."

Elisa Harrison of Bragging Rights Corner (<http://www.braggingrightscorner.com>) wrote a story on Thursday that covered this issue to some extent, referring to a warning given to Florida referee Armando Garcia, who was being told to give up either his status with boxing commissions or as Chairman of the WBA's Officials Committee.

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Here is the letter relative to that threat, sent by Tim Lueckenhoff, President of the ABC, two weeks ago:

September 5, 2003

Armando Garcia
(Address withheld)

Dear Mr. Garcia:

It has come to the attention of the Association of Boxing Commissions ("ABC") that you currently are licensed as a referee by the Florida State Athletic Commission and the Miccosukee Athletic Commission; and, at the same time, you are functioning as the Chairman of the World Boxing Association's ("WBA") Officials Committee.

I respectfully direct your attention to federal legislation entitled "The Professional Boxers Safety Act of 1996" (amended by "The Muhammad Ali Boxing Reform Act" in 1998), codified as 15 U.S.C. §6301, et seq. Specifically, 15 U.S.C. §6308 states, in pertinent part:

§6308. Conflicts of Interest

No member or employee of a boxing commission, no person who administers or enforces State boxing laws, and no member of the Association of Boxing Commissions may belong to, contract with, or receive compensation from, any person who sanctions, arranges or promotes professional boxing matches ...

It is the position of the ABC that, when you perform your role as a referee for the Florida State Athletic Commission and the Miccosukee Athletic Commission, you are functioning as either an "employee of a boxing commission," a "person who administers or enforces State boxing laws," or both. It also is the position of the ABC that your serving as the Chairman of the WBA's Officials Committee constitutes your "belonging" to the WBA. Moreover, if you are receiving remuneration for the services you are providing to the WBA as the Chairman of the WBA's Officials Committee, you have either contracted with, or are receiving compensation from, a "person who sanctions ... professional boxing matches."

In view of the above, your functioning as a licensed referee, as well as the Chairman of the WBA's Officials Committee, appears to constitute a direct violation of the above-quoted Federal Law. Accordingly, you hereby are directed not to function in both capacities. If you continue to do so, please be advised that appropriate sanctions may be sought [see, e.g., 15 USC §6309(b)((3)].

Very truly yours,

Tim Lueckenhoff

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President

The letter written to Garcia (which apparently scared him into resigning his WBA position) establishes a foundation by which to exclude Christodoulou from the DLH-Mosley fight.

By virtue of his association with the WBA's ratings, championship, and executive committees, it follows logically that Christodoulou, by the standards recognized and affirmed by the ABC in the letter, "belongs to" the WBA. And since judges are scoring rounds on a ten-point must system, in accordance with regulations set forth by a boxing commission (in this case, Nevada), take points away on their cards when ordered to by the referee, and are licensed, recognized state officials, whether it be for one fight or 100, there is a reasonable argument that they are also "administering or enforcing State boxing laws".

I'm not stretching things at all when I say that if Garcia is "violating" federal law, as described by the ABC's interpretation, then so is Christodoulou. It would follow that Nevada, as a member of the Association of Boxing Commissions, perhaps should not have appointed Christodoulou to judge this fight.

Furthermore, inasmuch as Nevada adopted the ABC's "unified rules" for the DLH-Mosley fight, and has provisions for certain of these unified rules to override their own rules for championship fights, one can safely assume that Nevada defers to the ABC, at least to some degree.

So why was Christodoulou there?

"I didn't know he was on the Ratings Committee," said Marc Ratner, executive director of the Nevada State Athletic Commission. "I'm just looking for the best officials."

Well, no one would dispute that Christodoulou is a respected official, but apparently he wasn't the judge the WBA had in mind, which can be for any number of reasons, including the practice of simply rotating officials, which is commonplace with sanctioning bodies AND commissions. The WBA had submitted for consideration a list of six names, none of which were from the United States (Ken Morita, Jose Cova, Manuel Gonzalez, Mazakazu Yoshida, Daniel Telon, Arthur Ellenson), and none of which were satisfactory to Ratner, who made the decision to contact Christodoulou independently of any coordination with the WBA.

Christodoulou allegedly didn't seek permission or approval from the WBA in connection with his acceptance of the job. Therefore the WBA might take the position that it considers De la Hoya-Mosley to have been a fight done without judges that were appointed, approved, OR submitted by them; in effect, their judge, as far as they were concerned, wasn't there. That could lead to a review of the decision (Arum has reportedly requested it) at their upcoming convention - something that will once again fuel "reasonable doubt" about the verdict and strengthen De la Hoya's original argument.

It could have been avoided.

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Instead of pulling its sanction, the WBA attempted to reach some kind of accord by writing a letter more than two weeks before the fight, in which it objected not to Christodoulou himself, but to the unilateral process by which Ratner selected Christodoulou for the fight.

It was to no avail.

To add another, bizarre twist to this episode, we have received unconfirmed reports that yet another letter was compiled by the WBA - subsequent to September 5 - this one intended to be "signed" by Christodoulou and forwarded to Ratner. The correspondence cited the ABC's letter written to Garcia and raised questions as to whether it was proper for Christodoulou to officiate at the DLH-Mosley fight, in light of what seemed to be an inflexible ABC position. Presumably the WBA was concerned with Christodoulou being prosecuted under federal law if he participated.

Reportedly, the letter as not forwarded to Ratner. We could not reach Stanley Christodoulou for comment.

As it is, the appointment of Christodoulou was a Nevada decision all the way. For all intents and purposes, for that night, and that fight, he was a NEVADA judge, not a WBA judge. And, as has been mentioned, Nevada is a member of the ABC.

However, we've discovered that even if that letter had reached Nevada, it might not have made a difference. According to Keith Kizer, a member of the Nevada Attorney General's office who serves as counsel to the athletic commission, "I don't think 6308 (the conflict of interest clause) applies here. When it was written, I don't think it was meant to include ring officials."

He's not alone in that assessment.

I don't know that I share that interpretation, but it nonetheless fuels a growing concern about the clarity of that paragraph - something that has not been addressed by those who shaped the legislation.

There are other big questions - namely, does a position or policy of the ABC necessarily have any binding effect on boxing commissions? In other words, does Nevada have a plausible reason to use its own judgment as to interpretation? And can this ABC position be used to prevent someone like Garcia from working anywhere in the United States, if he had indeed elected to retain his chairmanship of the WBA Officials' Committee?

It's quite possible the ABC may find out the answers to these questions the hard way.

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