



State of New Jersey

JAMES E. MCGREEVEY
Governor

**OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
STATE ATHLETIC CONTROL BOARD
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Chairman

**STEVEN KATZ
DENNIS McDONOUGH**
Members

SYLVESTER CUYLER
Acting Commissioner

March 23, 2004

Antonio S. Gonzalez, Esq.- on behalf of Ricardo Mayorga
sent via fax to (305) 371-2835

Kurt Emhoff, Esq.- on behalf of Cory Spinks
sent via fax to (718) 504-4287

Scott Shaffer, Esq. and Michael Borao, Esq.- on behalf of Cory Spinks
sent via fax to (212) 683-9180

Re: Ricardo Mayorga-Cory Spinks Appeals Hearing-DECISION

Dear Sirs:

Ricardo Mayorga engaged in a professional boxing contest versus Cory Spinks for the WBC, WBA and IBF welterweight championship. This contest was held in Atlantic City at the Boardwalk Hall on December 13, 2003. At the conclusion of this contest, Cory Spinks was declared the victor via majority decision.

By letter dated December 16, 2003, the New Jersey State Athletic Control Board (hereinafter "SACB") was notified by Mr. Mayorga's attorney, Antonio S. Gonzalez of Miami, Florida, that a review of the December 13th bout outcome was being requested. The request for a review was based upon the actions/inactions of referee Tony Orlando. More specifically, two penalty point deductions issued by referee Orlando and Orlando's rulings on slip/knockdown calls were being questioned.



By letter dated December 29, 2003, SACB Commissioner Larry Hazzard, Sr., informed Mr. Gonzalez, Esq. that he had reviewed the bout at issue and that he would not overturn the decision. The Commissioner made reference, through his wording, that the standard for review is set forth at N.J.A.C. 13:46-8.30 which allows the Commissioner, in his discretion, to change a referee's decision if, in his judgment, a palpable and self-evident error has been committed by the referee. In the December 29 letter, the Commissioner alerted Mr. Gonzalez, Esq. of his right to appeal his decision to have the original outcome stand to the SACB Board Members.

By letter dated January 5, 2004, Mr. Gonzalez, Esq. notified that SACB of his request to appeal the Commissioner's decision to the Board Members.

By letter dated January 8, 2004, after confirming all pertinent parties' ability to attend, an appeals hearing before the SACB was set for February 27, 2004.

By letter dated February 12, 2004, Mr. Gonzalez, Esq. requested a postponement of the hearing date due to an unforeseen scheduling conflict. The SACB granted the postponement.

By letter dated February 17, 2004, after confirming all pertinent parties' ability to attend, an appeals hearing was set for March 19, 2004.

An appeals hearing was held on March 19, 2004 that lasted several hours. Two Board Members, Steven Katz and Dennis McDonough were present. The presence of the two Board Members constituted a quorum.

At the hearing, both fight camps were granted liberal clearance to present testimony, evidence and all pertinent information as they saw fit. The Board Members heard testimony from Mayorga's manager Carl King, referee Tony Orlando and SACB Commissioner Larry Hazzard, Sr.

The following were the main issues to resolve at the hearing:

- 1) Whether referee Orlando's two point deductions versus Mayorga were proper? Did these calls constitute self evident and palpable errors?
- 2) Whether referee Orlando's calls of slips or knockdowns were accurate? Did these calls constitute self evident and palpable errors?
- 3) What effect did Mr. Mayorga's inability to understand English have on his reaction to referee Orlando's warnings and point deductions?

4) Should Commissioner Hazzard's denial to change the original outcome of the December 13th bout be overruled?

After deliberating over the information presented at the hearing, please note the findings of Board Members Katz and Mc Donough:

- 1) Mr. Mayorga's inability to understand any English whatsoever was not conclusively proven. Mr. Mayorga was not present at the hearing and did not submit an affidavit to such. In a previously published interview referenced in Commissioner Hazzard's letter, if quoted correctly, Mr. Mayorga stated only that he "doesn't understand English perfectly."
- 2) Assuming that Mr. Mayorga has no command of the English language whatsoever, the SACB finds that, a "universal language of boxing" exists wherein the referee can communicate basic boxing warnings through demonstrations and gestures to any combative sporting contestant. Further, Mr. Mayorga's wealth of amateur and professional boxing experience would seem to hold that Mr. Mayorga would be very familiar that hitting after the bell, hitting while holding, hitting behind the head and hitting on the break are illegal fouls in any boxing jurisdiction.
- 3) Assuming that Mr. Mayorga is not familiar with the "universal language of boxing", his attorney, Mr. Gonzalez, Esq. was licensed by the SACB as a second and was in Mayorga's corner on the night in question. Due to the fact that Mr. Gonzalez, Esq. is fluent in both English and Spanish, he could have passed on whatever information he felt was necessary to Mr. Mayorga.
- 4) Mr. Mayorga and his representatives were given ample notice that Tony Orlando had been assigned as the referee and did not lodge any type of protest, formal or otherwise, prior to the fight. Further, subsequent to the fight, the SACB has not been made aware of any complaints filed by the WBC, WBA, IBF or any other party besides Mr. Gonzalez, Esq. with regard to Tony Orlando's role in the fight at hand.
- 5) Tony Orlando performed admirably under difficult circumstances. The SACB commends his fine performance that night. At the hearing, numerous replays of disputed portions of the fight were shown multiple times, these viewings only reinforced the position that Mr. Mayorga was committing fouls and that the slips were not knockdowns. Mr. Orlando's split second decisions were made without the luxury of seeing repeated

replays at various angles and speeds. In sum, Mr. Orlando acted properly and evinced great judgment in his handling of the fight. Tony Orlando did not commit any self-evident and palpable errors during his assignment. It should be noted that the SACB has every confidence in Tony Orlando's world class abilities as a referee for any future high profile bouts.

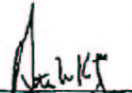
- 6) Ricardo Mayorga committed numerous and repeated fouls during the bout in question.
- 7) Commissioner Hazzard was the only witness to testify that has a wealth of personal experience as both an amateur and professional referee. No witnesses or testimony were presented from any other party who had any background as a referee. Furthermore, the administrative rules allow the Commissioner to exercise his discretion and use his judgment when reviewing disputed calls. Commissioner Hazzard should be accorded due deference with respect to his judgments upon review of the referee's calls.

In conclusion, we would like to commend all the attorneys and witnesses who participated in this hearing for participating in a professional and cordial fashion.


For the above reasons, SACB Commissioner Hazzard's findings are upheld. The original outcome of the bout remains unchanged. Cory Spinks will remain the victor on record via majority decision of the December 13, 2003 bout versus Mr. Mayorga.

Page 5
March 23, 2004

Signed:


Steven Katz
Board Member

Signed:


Dennis McDonough
Board Member

I certify that the above reflects the findings of the two Board Members present at this hearing. The vote to uphold the decision was 2 to 0.

Signed:


Nicholas Lembo
Counsel

c: Counsel Lembo
Commissioner Hazzard
Carl King, manager for Ricardo Mayorga
Tony Orlando, referee
Don King, promoter
Gilberto Mendoza, WBA President
Jose Sulaiman, WBC President
Mairon Muhammad, IBF President

Re: web from home folder (Mayorga - Spinks - Decision) wsd