



STATE OF NEW YORK
OFFICE OF THE STATE INSPECTOR GENERAL
Report of Investigation
May 2013

EXECUTIVE SUMMARY

In May 2012, the Inspector General received allegations from Bryant Pappas, a professional boxer, regarding his May 12, 2012 match against Josh Williams that was regulated by the New York State Athletic Commission. Pappas alleged that Williams was improperly allowed to use non-promoter supplied boxing gloves, purportedly in violation of Athletic Commission regulations. Pappas further alleged that, although he outboxed Williams, as a result of Williams's use of the gloves and alleged bias by the Athletic Commission, Williams was awarded a win by decision.

Upon investigation, the Inspector General determined that while Pappas's allegations were not substantiated, a number of the Athletic Commission's rules and procedures regarding boxing gloves were deficient and required updating, uniformity, and publication. These include the Athletic Commission's process for approval of new brands or styles of boxing gloves, as well as the processes for the inspection of gloves and the taping of boxers' hands before matches.

INTRODUCTION AND BACKGROUND

The New York State Athletic Commission is mandated by New York State law to regulate professional boxing and wrestling contests, matches, and exhibitions within New York State.¹ The Athletic Commission, a division of the New York State Department of State, consists of three commissioners appointed by the governor with the advice and consent of the senate. The governor designates one commissioner as the chair. Pursuant to its enabling legislation, the members of the Athletic Commission are mandated to "make rules for the administration of their office."²

Pertinent to this investigation, New York State law³ and Athletic Commission rules⁴ mandate the minimum weight of boxing gloves and require that boxers wear

¹ See N.Y. Unconsol. Laws § 8901, *et seq.*

² N.Y. Unconsol. Laws § 8901.

³ Unconsolidated Laws § 8923 ("Thumbless boxing gloves (or gloves with the thumb section locked, fastened, tied or immovably set to the balance of the glove) of a type approved by the commission shall be used in all boxing matches or exhibitions")

“thumbless” gloves or gloves with a “thumblock.”⁵ The same law and rules require that the gloves be approved by the Athletic Commission, but neither New York State law nor Athletic Commission rule sets forth an approval procedure.

In addition, a number of a boxer’s preparatory actions immediately prior to a match are subject to Athletic Commission rules and are monitored by an Athletic Commission inspector. Inspectors are often assigned to one or more boxers per event. Inspectors, therefore, often assist each other in their inspection duties by monitoring one another’s boxers. Athletic Commission rules require boxers to wrap their hands in bandages – generally referred to as “tape” – to protect their hands inside boxing gloves during matches. This taping process is just one of the pre-match activities examined by an Athletic Commission inspector, and the wrapped bandages are signed by the inspector so that any tampering will be noticed. The inside and outside of the boxing gloves to be worn by the boxer are also inspected for abnormalities. After the wrapped bandages are signed, boxers don the boxing gloves, which have laces that tighten the glove around the wrist. After the laces are tied by a member of the boxer’s team, cloth tape is wrapped around the wrist of the glove covering the laces, and the tape is signed by an inspector so that tampering with the gloves will be detected. However, as will be detailed herein, only certain aspects of the taping and gloving processes are delineated in the rules; other aspects are merely accepted practice.

Bryant Pappas is a professional middleweight boxer. Until his fight against Josh Williams on May 12, 2012, at the Mid-Hudson Civic Center in Poughkeepsie, Pappas held a record of 13 wins, no losses, and one draw. That evening, Pappas lost a six-round bout by decision to Williams.

In his May 21, 2012 complaint to the Inspector General, Pappas alleged the following:

- Williams was improperly allowed to use Fuel⁶ brand gloves in the May 12, 2012 fight, rather than those provided by the promoter. Pappas alleged that he was not given the option to wear other gloves, and that a rule mandating that boxing promoters supply certain equipment (including a stretcher, first aid kit, and boxing gloves), requires boxers to wear only promoter-supplied boxing gloves;
- The Fuel gloves were below the required 8 ounces, were of “inferior quality,” and had an insufficient thumblock, which resulted in worse bruising than he ordinarily sustains. Williams, by comparison, sustained no visible bruising;
- Williams’s gloves were improperly removed in the ring, a “clear violation of NYSAC policy and law”;
- Athletic Commission Chair Melvina Lathan conducted only a “cursory” inspection of Williams’s gloves;

⁴ 19 NYCRR § 209.45 (“Gloves shall weigh not less than eight ounces of which weight no more than one ounce shall be in the wrist padding of the glove. Gloves shall be new for main events and for contests and exhibitions scheduled for 10 or more rounds. For all contests and exhibitions except championship contests, thumbless or thumblock gloves approved by the commission shall be used, unless otherwise directed or authorized by the commission[.]”).

⁵ A thumblock is, essentially, stitching and immobilizing padding that keeps a boxer’s thumb from poking his opponent in the eye.

⁶ The Inspector General learned during this investigation that Fuel has changed its name to Ediroc.

- Lathan was biased against Pappas and did not make Williams change the gloves, the bias evidenced by Lathan having “hugged” and congratulated Williams after the fight; and
- Despite Pappas’s better performance, Williams was awarded the decision on points by three judges after the full six rounds.

THE INSPECTOR GENERAL’S INVESTIGATION FOUND PAPPAS’S ALLEGATIONS TO BE UNSUBSTANTIATED, BUT FOUND DEFICIENCIES IN THE ATHLETIC COMMISSION’S RELATED RULES AND PROCEDURES

The Evidence Did Not Substantiate Pappas’s Allegations

The Inspector General investigated Pappas’s allegations regarding his May 12, 2012 bout against Williams and found them to be unsubstantiated. The investigation revealed the following:

Athletic Commission inspectors are assigned to accompany boxers from the time the boxer takes a urine test until after the match, when the boxer’s glove and hand tape are removed. Athletic Commission Director of Boxing Ralph Petrillo testified that, on the night of May 12, 2012, he was called into the locker room from ringside to examine gloves that Williams wished to wear; he did not recall who called for his assistance. He examined the gloves, found them to be Commission-approved Fuel gloves, and informed the inspector that Williams could use the gloves as they were approved.

Athletic Commission Inspector Justin Sciocchetti was assigned to inspect a boxer in an earlier fight that night in addition to Williams’s fight. Since Sciocchetti was busy for at least part of the pre-fight inspection, Inspector David Dwinell inspected Williams’s taping and gloving. Specifically, Dwinell testified that he recalled inspecting Williams’s hands being wrapped with tape, and that he signed the tape. Notably, while the act of signing the tape is standard procedure among the inspectors, it is not mandated anywhere in the Athletic Commission rules, as explained later in this report. Dwinell further testified that he also checked the gloves for any abnormalities and found none. Dwinell explained that he watched as Williams was gloved, although he said it was possible he was momentarily distracted, and then signed his name on the tape affixed to the wrist of Williams’s gloves. Sciocchetti testified that he recalled having taken part in inspecting Williams being wrapped and gloved. Photographs of Williams’s gloved hands during the match appear to show one glove signed by Dwinell; the signature on the other is illegible.

While Athletic Commission rules require promoters to provide and make available a number of items, including gloves, they do not mandate that boxers use promoter-provided gloves. Rather, as noted above, the law only requires that boxers use gloves “of a type approved by the Commission,”⁷ which meet certain criteria.⁸ Further, there is no law, regulation, or otherwise mandated procedure that grants a boxer the right to demand that his opponent wears promoter-provided gloves. Nonetheless, Athletic Commission Chief Inspector Felix Figueroa testified that if a boxer brings his own gloves, Figueroa checks with the opponent’s team to see if the opponent has any

⁷ Unconsolidated Laws § 8923.

⁸ *Id.* See also 19 NYCRR § 209.45.

objections; if so, he has both boxers use promoter-provided gloves. Figueroa testified that he went into Pappas's corner before the fight to determine whether Pappas's team had a problem with Williams wearing the Fuel gloves, which, according to Figueroa, were in their original packaging. Figueroa brought the person from Pappas's corner to Williams's corner to look at the gloves, and that person expressed no concern with Williams's use of the gloves. Thus, even if Pappas had a right to protest Williams's use of his personal Commission-approved gloves, Figueroa testified that he did not do so.

Figueroa further testified that he told Director Petrillo that he had checked Williams's gloves with one of Pappas's corner men. This testimony, however, conflicted with accounts of those on Pappas's team and the inspector assigned to Pappas, Paul Ruggiero. Ruggiero stated that he did not recall Figueroa being present in the area of Pappas's team before the fight. Similarly, Pappas and one of the members of his team, Pascal Rouse, asserted to the Inspector General that Figueroa had not approached them to ask about the Fuel gloves or for any other reason. Accordingly, the Inspector General interviewed Figueroa again, and confronted him with the conflicting testimony. Figueroa stood by his original testimony, and specifically asserted that he had spoken to Rouse, and that Rouse was the person who stated that the team had no problem with Williams wearing the Fuel gloves. Given that the Fuel gloves are approved by the Athletic Commission for use and that, as discussed later, the rules do not require a boxer to wear promoter-provided gloves, the Inspector General deemed this allegation to be unsubstantiated.

As Pappas also alleged, Sciocchetti testified that, at the conclusion of the match, he witnessed the removal of Williams's gloves in the ring, and took the gloves and inspected them before returning them to Williams. A photograph of the boxers in the ring just after the fight shows Sciocchetti holding Williams's gloves. As Pappas noted to the Inspector General, an Athletic Commission rule requires the removal of gloves in the locker room unless otherwise authorized by the Athletic Commission. However, the removal of Williams's gloves in the ring in the presence of a Commission official, Inspector Sciocchetti, appears to constitute such authorization.

With regard to Pappas's final allegation, Commission Chair Lathan testified that it was not her role to inspect gloves, and she did not do so for that bout. She further denied having been biased in any way. While she admitted that she congratulated Williams, she denied that she hugged Williams, noting pointedly that Williams was very sweaty after the fight. Lathan asserted that nothing was unfair about the fight – Pappas simply was unhappy about having been defeated.

Athletic Commission Rules and Procedures Regarding Glove Use and Inspection are Deficient

Although the Inspector General found Pappas's allegations to be unsubstantiated, a review of Athletic Commission rules revealed a number of deficiencies in the approval, use, and application of boxing gloves. Indeed, this case is illustrative of the confusion that can arise absent clear and comprehensive rules and procedures.

For instance, no law or rule currently specifies the method by which gloves are to be approved; nor does any written procedure exist to inform the process. According to

Director Petrillo and Commission Chair Lathan, multiple gloves are submitted for examination and weighing to assure that they at least meet the minimal weight requirement. The Athletic Commission also contacts other states to learn whether they have any experience with the gloves being examined. Of note, no record is generated or maintained as to the process by which and when a given glove model is approved. Samples of the approved models are kept in the Athletic Commission's offices, but a list of approved models is not publicized on the Internet or elsewhere. As related to the instant allegations, Lathan and Petrillo testified that the model of Fuel gloves used by Williams had been approved by the Athletic Commission months before the fight. Nevertheless, the lack of any formal process regarding the approval, reporting, documenting, and publicizing of the approved gloves clearly contributed to the issues giving rise to this investigation.

In addition, although Pappas's allegation regarding Williams's use of non-promoter supplied gloves proved unsubstantiated upon analysis of the relevant rule, Pappas's confusion regarding the rule was reasonable. According to Director Petrillo and others, typically, a promoter will bring two sets of gloves for each fight to the arena where, in a room set aside in the boxing forum, they are placed on a table for viewing and inspection.⁹ While an Athletic Commission rule requires boxing promoters to supply boxing gloves to boxers, the rule does not require boxers to wear promoter-supplied gloves. Specifically, Athletic Commission rule 209.45(i) entitled, "Equipment supplied by promoter," states:

In addition to the ring and ring equipment, the promoter *shall supply the following items, which shall be available for use as needed:*

* * *

(i) gloves for each boxer in each contest or exhibition. Gloves shall weigh not less than eight ounces of which weight no more than one ounce shall be in the wrist padding of the glove. Gloves shall be new for main events and for contests and exhibitions scheduled for 10 or more rounds. For all contests and exhibitions except championship contests, thumbless or thumblock gloves approved by the commission shall be used, unless otherwise directed or authorized by the commission. [Emphasis supplied]

No law or rule precludes a boxer from wearing his or her own gloves, provided those gloves are an approved make, model, and weight. In further evidence that no such preclusion exists, Unconsolidated Law §8923, entitled "Regulation of conduct of matches or exhibitions," mandates certain glove requirements but does not state that only promoter-supplied boxing gloves must be used. That section reads, in pertinent part:

Each contestant shall wear, during such contest, gloves weighing not less than eight ounces, unless otherwise directed by the commission.
Thumbless boxing gloves (or gloves with the thumb section locked, fastened, tied or immovably set to the balance of the glove) of a type approved by the commission shall be used in all boxing matches or exhibitions, provided, however, that this requirement may be waived at the

⁹ While new gloves must be provided for "main events," as well as certain other contests and exhibitions, for boxing matches such as the six-round Williams-Pappas fight, gloves need not be new. Sometimes gloves are used more than once a night.

discretion of the commission for championship matches of at least twelve scheduled rounds.

Finally, the Inspector General further determined that the rules regarding the bandaging and gloving of a boxer before a match are incomplete and do not adequately guide the process. Rule 210.9, entitled “Bandages,” states in pertinent part: “[B]andages shall be applied in the dressing room before any contest or exhibition in which the boxers participate, in the presence of a commission representative. Gloves shall not be placed on the hands of a participant until approval of the bandages by the commission.”

Rule 210.8, entitled “Gloving,” states:

In all boxing contests and exhibitions, the gloves of each boxer shall be put on in the dressing room under the supervision of a commission representative, and the laces of each glove shall be knotted on the back of the wrists and there shall be placed on the wrists of the gloves, over the laces, a strip of one-inch adhesive tape. The gloves shall be removed in the dressing room after the bout, under the supervision of a commission representative, unless otherwise authorized or directed by the commission.

While the rules require that the bandaging and gloving of a boxer prior to a bout occur under the supervision of a commission representative, no rule requires the signing of the tape inside or outside the glove, though such practice appears to be standard.

FINDINGS AND RECOMMENDATIONS

The Inspector General found Bryant Pappas’s allegations regarding his May 12, 2012 fight to be unsubstantiated. Testimony shows that the Fuel brand gloves worn by Williams in the fight had been approved by the Athletic Commission. In addition, although Athletic Commission rules require promoters to make gloves available, they do not mandate that a boxer use those gloves. Testimony also reflects that Athletic Commission boxing inspectors checked Williams’s gloves before and after the fight and found no abnormalities. No evidence supports Pappas’s contention that Athletic Commission Chair Lathan inspected the gloves. The removal of Williams’s gloves after the fight in the ring, rather than in the locker room, occurred in the presence of an Athletic Commission official and thus appears to have been consistent with Athletic Commission requirements.

Nevertheless, the Inspector General recommended that the Athletic Commission revise certain rules and/or draft and implement instructional documents and procedures to avoid the confusion and skepticism that resulted from the Pappas-Williams bout. Individualized practices should be eliminated to the extent possible so that inspection and related activities are standardized. Specifically, the Inspector General recommended that the Athletic Commission draft a rule or procedure regarding the inspection and approval of types of boxing gloves. Pursuant to that rule or procedure, documentation should be maintained that reflects correspondence between the Athletic Commission and glove manufacturers’ representatives, and the approval date of any glove make, model, and weight. Boxing inspectors should be provided a list of approved boxing glove models to

have readily available at boxing matches. Such procedures and the list of approved gloves should be posted on the Athletic Commission's Web site.

The Inspector General further recommended that the Athletic Commission devise a rule or procedure for the use by boxers of gloves other than those provided by the promoter – e.g., those brought to a match by a boxer – that will allow sufficient time for the Athletic Commission to inspect such gloves. Finally, the Inspector General recommended that the Athletic Commission inspectors be trained to understand the new rules, as well as on the use of the list of approved gloves and that the Athletic Commission maintain documentation of the inspectors' training and the inspectors' acknowledgment of having been trained.

RESPONSE BY THE NEW YORK STATE DEPARTMENT OF STATE

In a letter dated April 17, 2013, New York State Department of State General Counsel Susan L. Watson responded to this report. Watson stated that, to achieve immediate results and address the items identified in this report, the Athletic Commission has issued or will issue and implement new instructional documents and procedures:

1. The Commission has created an approved list of acceptable boxing gloves and has published that list by posting it on the Commission's Web site.
2. The Commission has published a Notice to All Boxers and Camps regarding the use of gloves, stating that: "No boxer will be permitted to use gloves which are not on the pre-approved list. Boxers and their camps must seek Commission approval no later than the weigh-in ceremony to use gloves other than those provided by the promoter. The gloves provided by the boxer and/or his/her camp must be new, in the manufacturer's original sealed packaging. If the Commission receives a request from a boxer to use his/her gloves, then the Commission shall advise his/her opponent of the request and allow the opponent to observe that the gloves are new and properly sealed and of a type, model and size approved by the Commission. Boxers and their camps are not permitted to show up at the venue with gloves which do not comply with this notice. It will be in the Commission's sole discretion as to whether the proposed gloves will be permitted."
3. The Commission will implement new procedures for the Commission's review of boxing gloves makes, models, and sizes for general approval.
4. As to the signing of a boxer's wrappings and gloves, the Commission Chair has issued a memorandum to Deputy Commissioners and Inspectors directly informing them that each inspector supervising the gloving process shall be required to sign his/her name on the tape placed over the laces once the gloves are placed on the boxer's hands.
5. To document proper gloving at events, the Commission has already revised its "Inspector Worksheet," which now allows for notating the make, size and condition of the gloves being used.
6. The Commission will incorporate acknowledgments confirming the training of inspectors at its annual training seminars.

The Commission is memorializing these procedures in a new procedure manual which is expected to be approved by the Commission in an open meeting in or before July 2013.