



State of New Jersey

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

September 16, 2005

SYLVESTER CUYLER
Acting Commissioner

via regular mail and fax to (954) 475-9001

Joshua E. Dubin, Esq. (on behalf of Vivian Harris)
Joshua E. Dubin P.A.
1481 Northwest 93rd Terrace
Fort Lauderdale, Florida 33322

RE: VIVIAN HARRIS-CARLOS MAUSSA APPEALS HEARING DECISION

Dear Mr. Dubin, Esq.:

Vivian Harris engaged in a professional boxing contest versus Carlos Maussa for the WBA light welterweight world championship. This contest was held in Atlantic City at the Boardwalk Hall on June 25, 2005. In this contest, Mr. Maussa was declared the victor by knockout stoppage. The referee in this bout was Earl Brown.

By letter dated July 2, 2005, the New Jersey State Athletic Control Board (hereinafter "SACB") was notified by the attorney for Mr. Harris, Josh Dubin, that a review of the bout outcome was requested. The request was based on Referee Brown's decision not to disqualify Mr. Maussa. It is Mr. Harris' position that the referee should have disqualified Mr. Maussa for fouling Mr. Harris by striking him when he was down on the canvas.

On July 15, 2005, a videotape of the bout in question was sent directly from HBO, which televised the bout, to the SACB.

By letter dated July 25, 2005, Commissioner Hazzard, after applying the standard which allows him to change a referee's decision, concluded that he would not overturn the actions of Referee Brown with regard to the conclusion of the bout. The



standard to be applied allows the Commissioner to change a referee's decision if, in his judgment and discretion, a palpable and self-evident error has been committed. That standard is set forth in the New Jersey Administrative Code at 13:46-8.30.

By letter dated July 26, 2005, Mr. Harris notified the SACB of his intent to seek an appeals hearing before the three Board Members.

On August 16, 2005, SACB Counsel Lembo took a sworn interview of Referee Brown in Trenton which was made available to Mr. Harris.

An appeals hearing was held in Newark on September 13, 2005.

At the appeals hearing, Mr. Harris and his representatives were given unlimited time to present any testimony, evidence or pertinent information as they saw fit to do. The SACB made Referee Brown and Commissioner Hazzard available at the hearing, but they were not called for questioning. Mr. Maussa was not present at the hearing in any fashion.

The following were the main issues that the Board felt needed to be resolved at the hearing:

- 1) Was Referee Brown's failure to disqualify Mr. Maussa a self-evident and palpable error?; and
- 2) Should Commissioner Hazzard's denial to change the original outcome of the bout be overturned?

After careful deliberation over the information presented at the hearing, please note the findings of the Board Members:

- A) Referee Brown's failure to disqualify Mr. Maussa was not a self-evident and palpable error. The referee's decision was made within a split second. Referee Brown did not have the luxury of being able to view multiple replays of the bout's conclusion at various speeds and angles, and
- B) Referee Brown was not required, given the applicable rules, to disqualify Mr. Maussa. The referee can also choose to issue a warning or take point deductions from the fouling boxer, and
- C) It was apparent that Mr. Maussa's "punch in question" was significantly deflected by the lower ring rope, and
- D) Professional photographer Ray Bailey's photo of the "punch in question" is a valuable piece of evidence because of the position of Mr. Maussa's hand and arm as depicted therein at the precise time at issue, and

E) We were not convinced that the punch in question had any great impact on Mr. Harris' inability to continue; and

F) We were not convinced that Mr. Maussa "stalked" Mr. Harris and had the opportunity to deliberate before deciding to throw the punch in question. At real time, it seems like one quick continuous flow of movement by Mr. Maussa, and

G) The fact that the presentation relied so heavily on drastically altered film speeds proves that this was an arguable or debatable decision when considered in real time, and

H) Commissioner Hazzard, under the administrative rules, is allowed to exercise his discretion and judgment when reviewing disputed calls. Commissioner Hazzard was the only party involved, besides Mr. Brown, who has significant past experience as a boxing referee. Mr. Harris did not submit any evidence from any referee or any boxing official who could state that they would have handled the situation differently and overturned the decision.

For the above reasons, the original outcome of the bout remains unchanged. Carlos Maussa remains the victor of the June 25th bout. The initial decision made by Referee Brown and the initial review by Commissioner Hazzard stand as issued.

In conclusion, we would like to commend the attorneys and witnesses who participated in this hearing for participating in a professional and cordial fashion. We have the utmost respect for Vivian Harris and wish him the best in his future endeavors.

Signed: _____
Tony Orlando
Chairman

Signed: _____
Steven Katz
Board Member

Signed: _____
Dennis McDonough
Board Member

I certify that the above reflects the findings of the Board Members present at the hearing. The vote to uphold the referee's decision and the Commissioner's review was 3 to 0.

Signed: _____

Nicholas Lembo
Counsel

c: Carlos Maussa, PO Box 451004, Miami, FL 33245 and 930 NW 30 Ct-rear Miami,
FL 33125

Pat English, Esq. via fax
Commissioner Hazzard
Referee Earl Brown
Franklin McNeil