



State of New Jersey

OFFICE OF ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
STATE ATHLETIC CONTROL BOARD
P.O. Box 180
TRENTON, NJ 08625-0180

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

GURBIR S. GREWAL
Attorney General

TONY ORLANDO
Chairman

STEVEN KATZ
Member

LARRY HAZZARD SR.
Commissioner

April 27, 2018

via e-mail and regular mail

Mr. Matthew Culley, CEO
Battlescar Athlete Management LLC
P.O. Box 869
Valley Stream, NY 11582
(management for Merab Dvalishvili)

Dear Mr. Culley:

This agency did receive your courteous and well-written request to reconsider the outcome of the Ricky Simon versus Merab Dvalishvili UFC contest which was held this past Saturday evening in Atlantic City. Your request was received at 3:54pm on Wednesday, April 25, 2018.

I write this document as a response to your request.

Mr. Dvalishvili certainly earned the right to have the decision reviewed; and to have the reasoning of the decision explained to him. We would have done so on fight night itself, but the Commission table was never approached by any of his representatives.

First, be advised that I, as Commissioner, of the New Jersey State Athletic Control Board, was the individual in charge on Saturday for all matters involving the agency. The other full time



Telephone: (609) 292-0317 Fax: (609) 292-3756

New Jersey Is An Equal Opportunity Employer • Printed on Recycled Paper and Recyclable

employees on site were Deputy Commissioner Rhonda Utley-Herring and Counsel Nicholas Lembo.

Prior to discussing the issues surrounding the Simon-Dvalishvili bout, I would be remiss if I did not mention that both contestants put on an outstanding and very exciting performance. We were pleased to learn that the UFC decided to issue a fight of the night bonus to both contestants, which resulted in substantial additional pay for them.

I was first appointed Commissioner of this agency in 1985, after having served many years as a professional boxing referee. I also am a former karate competitor who obtained a black belt in Ju Jitsu under Moses Powell. That being said, I cannot recall a more unique or unusual final minute of a combat sports contest. I believe that both contestants will long be remembered for the final minute of that contest.

The referee for the bout in question was Liam Kerrigan. This was not Mr. Kerrigan's first time refereeing a UFC event. Further, Mr. Kerrigan holds a 5-1-1 record as an amateur mixed martial artist, a 3-2-1 record as a professional mixed martial artist, and a 2-2 record in kickboxing. He is a first degree black belt in jiu-jitsu under Fernando Cabeca and has won NAGA, Grapplers Quest, and IBJJF(juvenile), submission grappling championships. He currently is the owner-operator of a martial arts school in New Jersey.

The exact matter at hand is what transpired after Kerrigan heard the bell for the final round and made contact with Mr. Simon to indicate the end of the contest. That is the key point of this review. What transpired with the physicians in the cage was simply post fight treatment after the bout was stopped, and has no bearing on this matter. According to Mr. Dvalishvili, he never lost consciousness at or around that point in time (the time that the final bell rang). According to Mr. Simon, he has stated that his opponent went limp and that his eyes rolled back. It is well established that a contestant cannot be declared the victor of the contest if he or she is unconscious at the conclusion of that contest. Such should not be confused with the O'Malley/UFC fight ending where the bout concluded with an orthopedic injury as opposed to the question of consciousness. Thus, Kerrigan was left to make a determination about what occurred.

Kerrigan's call was that Mr. Dvalishvili lost consciousness momentarily as he separated the fighters and then quickly regained his faculties. In New Jersey, we would then record the decision as a TKO via technical submission. I believe that Mr. Buffer, due to broadcast pressure, announced the decision simply as a TKO; and such was because he did not wait for the agency scorekeeper to conclude writing the announcer's decision card.

The established written protocol for me to overturn a referee's call; is, if in my discretion; the referee committed a self-evident and palpable error.

Many have referred to the apparent submission as a mounted guillotine choke, but to cageside lead ringside physician for the event, Dr. Michael Kelly, and also referee John McCarthy, it was more akin to a neck crank or a one sided choke. This would cause only one side of Dvalishvili's neck to have limited blood flow to the brain. Further, this one sided choke would result in a

slower time to unconsciousness and also a faster recovery when released. Most notably, it is medically feasible to go unconscious from this position. This would explain a sudden loss of consciousness given the prior minute's situation followed by a split second regaining of consciousness. Please be reminded that we do not need multiple seconds of unconsciousness. Also note that it is common for a contestant to have a momentary loss of consciousness but no recollection of such.

Due to the fact that this was far from a typical ending, I approached Kerrigan in the cage to question him on his decision and his certainty of it. Separately, Counsel Lembo approached Kerrigan in the cage and Kerrigan reiterated his certainty and finality to his decision. I was cageside and formed my own opinion that the conclusion was correct. This was only reinforced as I watched the large monitor which was supplied in front of my cageside seat. Referee Marc Goddard provided his input to me cageside after he heard Counsel Lembo calling for the collection of the judges cards and the scoring of the third round. Mr. Lembo was of the opinion that the fight should be scored. There is nothing untoward about Goddard providing his input. "Polling" of cageside officials is an accepted practice. However, in this case, it may be irrelevant, as Goddard was only in agreement with Kerrigan's original call and my review. There was no disagreement with Goddard about the attempt to determine the proper victor.

We fully are aware of the disparity of the viewpoints of the declared outcome. This is true even after days of discussion by fans and media and countless video reviews. I can only state that Kerrigan was unwavering in his call, and that I believed him to be correct, or at least well within his discretion to make such a call. Despite the variety of opinions, we note that veteran referee Marc Goddard was cageside and agreed with the call. Furthermore, the most experienced referee in the sport's history, John McCarthy (who watched offsite via television) felt that the outcome was just and proper.

At no point did Mr. Dvalishvili or any of his licensed corners approach the Commission table to discuss the ruling. Kerrigan was approached by cornerman Ray Longo in the locker room but Kerrigan would not speak to him. Kerrigan was following the Commission's instruction by not discussing the matter at that point. My belief was that it would not be a prudent time for Kerrigan to discuss the matter as Kerrigan was scheduled to referee a later bout involving Aljamain Sterling (a contestant from Serra-Longo, the same camp as Dvalishvili). Also, in general terms, corners are generally and rightfully emotionally charged on fight night subsequent to a disputed call; and the midst of an event is not the preferred time to discuss the issue. All combat sports referees in New Jersey are instructed to act as Kerrigan did.

Fox Sports was asking for a State official to speak on camera about the ruling during the event, but we felt that all officials should exclusively focus on their assigned duties for the current and future scheduled bouts. At the conclusion of the event, and after the officials were dismissed, Fox Sports repeated their request for an official to come on camera to speak. At that time, Marc Goddard was asked to represent the Commission as he was the sole remaining referee within sight. We felt it was best for the viewing audience to hear from an actual current referee, as opposed to an administrator. We applaud Mr. Goddard for providing the agency's viewpoints on camera on event night. In the interim, Counsel Lembo did respond to a text from Ariel Helwani as well as an e-mail from Ken Pishna in an effort to provide real time transparency. These were

the only two media requests received. These responses were replies on behalf of the agency. We note that Mark LaMonica sent a question via twitter but that was not replied to because it was not seen on the night of the event.

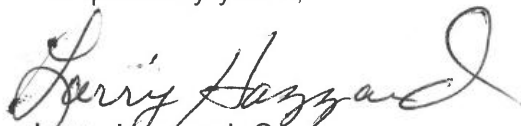
In summary, I do not find that Mr. Kerrigan committed a self-evident and palpable error; or even any error which comes close to that standard. Solely because a decision is disputed does not make such facially incorrect.

We intend to publicly release this letter as we feel that it is best for all to be aware of our viewpoint and reasoning.

We only wish both Mr. Simon and Mr. Dvalishvili the best in their future contests.

Thank you for your letter.

Respectfully yours,

A handwritten signature in cursive script that reads "Larry Hazzard, Sr." The signature is written in dark ink and is positioned above the printed name.

Larry Hazzard, Sr.
Commissioner