

TO: CASE FILE

FROM: NICK A. CHRISTNER, DEPUTY DIRECTOR

DATE: MARCH 11, 2016

SUBJECT: COLÓN VS. WILLIAMS CONTEST

BACKGROUND

On October 17, 2015, a professional boxing contest took place between Prichard Colón (“Colón”) and Terrel Williams (“Williams”) at the Eagle Bank Arena of George Mason University in Fairfax, Virginia. Following the contest, Colón was rushed to the hospital due to vomiting, fainting, and dizzy spells in the dressing room.

No complaint was filed, but a review was initiated by the Department of Professional and Occupational Regulation (“Department”) because of the severity of Colón’s condition following the boxing contest held in Virginia.

AUTHORITY AND STANDARDS

The Association of Boxing Commissions (“ABC”)¹ is a North American not-for-profit governmental entity that provides a framework for undertaking boxing bouts and recordkeeping. It is made up of members from state and tribal athletic commissions from the United States and Canada and beyond. Participant safety and all that is involved is the primary focus of the ABC.

The ABC provides many resources to create and update minimum standard rules and regulations for various sports. For example, ABC has Uniform Rules of Boxing, Uniform Championship Rules, Referee Guidelines, and a Ring Officials’ certification program.

The Department is authorized as a boxing commission to regulate professional boxing contests held in Virginia. Specifically, pursuant to § 54.1-828 et seq. of the *Code of Virginia*, the Department has the power and duty to:

- Promulgate regulations for licensure, conduct, grounds for disciplinary actions, recordkeeping, fees, and health coverage;
- Conduct investigations regarding suitability for licensure and compliance with statutes and regulations; and
- Exercise jurisdiction over all boxing conducted within the Commonwealth.

The Department requires and issues licenses to promoters, matchmakers, trainers, boxers, and events.² Meanwhile, event officials and ringside physicians are not licensed by the Department, but regulations do exist regarding requirements to qualify as an

¹ <http://www.abcboxing.com/>

² § 54.1-829 of the Code of Virginia; 18 VAC 120-40-80 to 18 VAC 120-40-130; and 18 VAC 120-40-230

event official³ and ringside physician⁴ and the Department is authorized⁵ to contract for such services.

The Department only has authority to discipline a licensee.⁶ Event officials and ringside physicians are not licensees. Therefore, if an event official or ringside physician does not perform in a manner so as to ensure events are conducted in compliance with statutes and regulations, the Department's only courses of action are to cancel an existing contract or not to assign the event official or ringside physician to an event.

REVIEW PROCESS

The following documents were reviewed:

- Qualified Vendor Services Contract for Joseph Cooper and Richard B. Ashby;
- Boxing license applications for Colón and Williams, which included ophthalmologic examination records, test results for HIV and hepatitis, contracts, medical releases, pre-fight medical questionnaires, and pre-fight medical evaluations;
- Fighter reports for Colón and Williams from Fight Fax;
- Post-fight checks for Colón and Williams; and
- Score sheets for the Colón/Williams bout.

The following individuals were interviewed:

- David Holland, Boxing Program Executive Director – Advisory Board Staff
- Tracy Fagan, Boxing Program Administrator – Advisory Board Staff
- Joe Cooper – Referee
- Dorothea Perry – Judge
- Mark D'Atillio – Judge
- Brian Costello – Judge
- Dr. Richard Ashby – Ringside Physician
- Dr. Gregory Pleasants – Ringside Physician
- Dr. Greg Banks – Locker Room Physician
- Terrel Williams – Boxer

Representatives for Colón did not respond to requests to participate in the review.

In addition to interviews, the contest was viewed (via video replay) in its entirety several times.

Statutes, regulations, and ABC documents were reviewed to determine the requirements, jurisdiction, authority, and responsibilities of the governing body and individuals involved in a boxing event.

³ 18 VAC 120-40-140

⁴ 18 VAC 120-40-150

⁵ § 54.1-832 of the Code of Virginia

⁶ 18 VAC 120-40-430

SUMMARY OF FACTS

According to Colón's Pre-Fight Medical Questionnaire, Colón's weight prior to weigh-in was as follows:

- September 11, 2015: 154 pounds⁷
- September 15, 2015: 157 pounds
- October 2, 2015: 154 pounds

On October 16, 2015, Colón appeared for the official weigh-in and weighed 148.8 pounds.

A Pre-Fight Medical Questionnaire was completed for Colón on October 16, 2015. Colón signed the questionnaire. Dr. Richard Ashby ("Ashby") signed the questionnaire as the ringside physician who conducted Colón's evaluation on October 17, 2015.

Colón indicated "Yes" to the question regarding whether he had undergone a MRI or CT scan of the brain (brain imaging scan) and further provided that it was "common requirements for Canada regular exams." However, a date was not provided despite the questionnaire requesting the date when an affirmative answer to the question was given.

Ashby performed the Pre-Fight Medical Evaluation on October 17, 2015, and cleared Colón to box. According to Ashby's evaluation, Colón weighed 156 pounds.

On October 17, 2015, Colón and Williams competed in a boxing bout at the Eagle Bank Arena of George Mason University in Fairfax, Virginia. The referee was Joe Cooper ("Cooper"). After nine (9) rounds, Williams was declared the winner by disqualification.

After the match, Colón and Williams returned to their locker rooms and were given post-fight checks. According to the Post-Fight Check conducted by a ringside physician, Colón was in and out of consciousness and barely responsive. The ringside physician ordered the EMT to take Colón to the hospital immediately for a CT scan.

FINDINGS

Boxer

Pursuant to 18 VAC 120-40-430, the Department has grounds to discipline a boxer through a fine, license suspension, or license revocation for multiple reasons. In regards to Williams' actions, there is no formal complaint and there does not appear to be any grounds to initiate a disciplinary action.

Referee

The role of the referee is to ensure a bout is conducted consistent with the rules and regulations of the supervising commission, the applicable guidelines of the Association

⁷ According to Colón's fight record from Fight Fax, his official weight for the September 11, 2015 bout was 149 pounds.

of Boxing Commissions and any approved special rules. In addition, the referee's job is to protect the safety of the participants, and never be intimidated by any contestant, manager, second, trainer, any person connected with promotion or anyone else. The referee must be in charge at all times.

Regulation 18 VAC 120-40-190 outlines the duties of referees for boxing events. Specifically, the assigned referee shall perform the following duties before, during, and after each assigned contest:

- Exercise supervision over the conduct of the contest to assure compliance with this chapter and to take immediate corrective action when a failure to comply is observed;
- Consult, when he feels it appropriate, with the ringside physician on the advisability of stopping the contest if either boxer appears injured or unable to continue;
- Determine fouls and stop contests as provided in 18 VAC 120-40-342 and 18 VAC 120-40-350; and
- Assure the health and well-being of the boxers to the greatest extent possible.

Supervising the Conduct of the Contest

The referee has a duty to maintain control of the contest. The referee should not interfere with the boxers' actions or over-officiate, but should concentrate on the participants, the progress of the bout, and the safety of the participants. This can be a very difficult but very important aspect of being a referee. Failure to properly supervise the bout can not only result in a damaged reputation but injury to the participants.

Based on a review of the bout (via video replay), Cooper did:

- Bring the boxers to the center of the ring and instruct them on the rules (protect themselves, what to do in the event of a knockdown, and to watch their holding and pushing) prior to the bout;
- Order the boxers to let go and back off and, in some instances, reached in to break apart the boxers when they became entangled because of holding, close-in fighting, or clinching;
- Declare Colón intentionally fouled Williams in Round 5 when he landed a punch below the navel (low blow) and deduct two (2) points from Colón;
- Call time in Round 6 to instruct the boxers to not hit the head or low and warn them of disqualification;
- Declare Williams intentionally fouled Colón in Round 7 when he delivered an overhand punch to the back of Colón's head and deduct one (1) point from Williams; and
- Initiate knockdown procedure (directing Williams to the corner, counting, watching both contestants, and determining Colón's ability to continue) twice in Round 9.

In fact, prior to the bout, Cooper instructed the boxers to shake hands. When Colón knocked one of Williams' gloves and quickly turned away, Cooper pulled Colón back and instructed them to shake hands again. This was an example of Cooper exerting his

control over the boxers and establishing his unwillingness to allow the boxers not to follow his direction.

Cooper repeatedly shouted to the boxers whenever he observed an illegal hit, hold, clinch, or punch. Additionally, Cooper used hand gestures to help make his (particular) point known, especially with regard to Williams' punches to the back of Colón's head/neck area.

Throughout the bout, the boxers repeatedly became entangled by holding, fighting close-in, and/or clinching. According to David Holland ("Holland"), advisory board staff, Cooper should have been more aggressive with separating the boxers and not allowed as much of the close-in boxing. Holland suggested doing so would have kept the boxers more in check and could have changed the overall tone of the contest.

Furthermore, Cooper doesn't call a foul until Round 5. But in Rounds 1 through 4, there are several occasions where it appears a foul may have occurred. If Cooper had called a foul in the earlier rounds, it is possible that the tension between the fighters might not have escalated, thus resulting in Colón's low blow in Round 5. Colón seemed to be frustrated with Williams throwing punches at his head/neck and Cooper not calling fouls.

During and after the bout, there was scrutiny of Cooper deducting two (2) points from Colón for an intentional low blow in Round 5 but only deducting one (1) point from Williams for a called intentional rabbit punch in Round 7. Disagreement may exist over whether Cooper did or did not call fouls and whether Cooper's decision regarding the deduction of points was consistent with the guidelines. But the fact that Cooper did penalize each boxer for fouls and even temporarily stop the contest in Round 6 to "warn" the boxers about throwing illegal punches, demonstrates Cooper's intent to be in charge of the bout and not allow fouls.

At the end of Round 9, Colón's corner began removing Colón's tape and gloves. Cooper went over to Colón's corner. It appeared Cooper was trying to figure out why Colón's tape and gloves are being removed and may have advised them that there was still another round. The video replay did not show all of Cooper's actions since the cameras switched views several times and Cooper was moving around between corners and the ringside officials.

Eventually, Cooper returned to Colón's corner and waved his arms to motion the bout was over. According to Marv Albert, the TV broadcast announcer, Holland told Cooper that Colón's actions were a disqualification. Steve Smoger, a veteran boxing referee who was part of the NBC broadcast team, added that Holland felt Colón's actions were an attempt to delay to give Colón more time to recover and directed Cooper to disqualify Colón for illegally taking off his gloves as a delay tactic. The ringside announcer declared Williams the winner as a result of Colón being disqualified for not being able to answer the bell.

Amid the confusion, it does appear Cooper was making efforts to manage the situation. And after receiving input from Holland, Cooper did ultimately stop the bout and disqualify Colón.

Cooper believes he exercised good judgment and discretion in handling the actions of both boxers and that his actions were in accordance with the regulations. Cooper pointed out that he gave instruction(s) to both boxers before and during the contest, separated the boxers when he felt it was necessary, deducted points for intentional fouls, and ended the bout by disqualifying Colón when he was unable to return to the ring within a reasonable amount of time.

Consulting with Ringside Physician on Advisability of Stopping the Contest

In Round 7, Colón was knocked to the ground after being punched in the back of the head/neck. Cooper told Colón he had a few minutes to recover and then called over the ringside physician when Colón went to a corner.

The ringside physician evaluated Colón by talking to Colón and looking at Colón's pupils. During the evaluation, Cooper walked away but returned while the ringside physician was still evaluating Colón. [Video replay does not show live action after Cooper returned to the ringside physician's evaluation. When live action resumed, Colón was no longer being evaluated by the ringside physician and had returned to the corner for rest/recovery.]

Cooper gave Colón additional time to recuperate. During this time, Colón was hunched over in the corner grabbing the back of his head. According to Kenny Rice, an announcer, Colón told Ashby that he felt dizzy and was hurting in the back of his head but felt he could go on and Ashby concurred and was waiting for Colón to shake it off and resume action. Cooper interacted with Colón briefly, motioned he was deducting a point from Williams, and then went back over to Colón. Shortly thereafter, Colón nodded his head to Cooper as if to indicate he was ready to fight.

Colón was allowed to continue boxing as he did not have impaired vision, severe lacerations, apparent broken bones, or any other obvious physical injury, and Colón was coherent, responsive, and able to stand on his own after taking some additional rest time. Colón continued the round and fought another two (2) rounds⁸ without requesting or requiring any further medical attention.

Determining Fouls and Stopping Contests

Regulation 18 VAC 120-40-350 places the responsibility of determining fouls upon the referee and also provides discretionary options for the referee in addressing any fouls that may occur. The following are some of the acts a referee shall consider to be a foul:

⁸ According to the master score sheet and score cards, two judges scored Round 8 10-9 in favor of Colón while the other judge scored Round 8 10-9 in favor of Williams.

- Hitting below the navel or behind the ear;
- Holding or deliberately maintaining a clinch; and
- Using the rabbit punch (punch thrown to the back of the head and neck areas).

The judges and advisory board staff believe there were instances where it appeared as though there may have been fouls committed by both boxers throughout the contest that were not determined by Cooper.

According to Cooper, he warned Williams in the early rounds about throwing punches to the back of the head/neck area of Colón, but did not feel any of those prior instances warranted the taking of point(s) or stopping the contest. Cooper further explained that there were punches he felt glanced off Colón or didn't land squarely and therefore did not constitute fouls. Furthermore, in many instances, Colón's action of turning away and/or dipping his head immediately before punches were thrown caused the back of Colón's head/neck to be exposed to Williams.

There was also a fair amount of holding and clinching, especially by Colón in the later rounds. Cooper stated he warned Colón about holding during clinches.

During the broadcast, there was some debate about whether Cooper's deduction of two (2) points for Colón's intentional low blow was appropriate. According to the ABC's Referee Rules and Guidelines and Ring Officials Certification Program, a referee will:

- Deduct two (2) points when an intentional foul is committed that causes an injury but the fouled boxer can continue; or
- Deduct one (1) point when an intentional foul is committed that does NOT cause injury and the fouled boxer can continue.

Under these guidelines, Cooper would have been permitted to deduct two (2) points if he felt Colón's actions caused injury to Williams. There is no doubt that Williams experienced pain after being punched below the belt, but he did return to his feet and recovered quickly.

However, 18 VAC 120-40-350 outlines that boxers who commit fouls may be penalized by the referee through the deduction of points and the number of points shall be determined by the referee based on the referee's determination of the severity and its adverse effect on the opponent. Based on Virginia's regulations, Cooper could consider the ruthlessness of Colón's delivering a low blow to Williams in addition to Williams' condition. Therefore, Cooper's action of deducting two (2) points for Colón's intentional blow is in compliance with Virginia's regulations and well supported by the malicious nature of the punch.

Later on, Cooper again deducted points for an intentional foul. This time one (1) point was deducted from Williams for an intentional "rabbit punch." In comparison, Colón's injury, after being hit in the back of the head, seemed to be as severe (if not more severe) than what Williams experienced from Colón's intentional foul. Colón required

evaluation by the ringside physician and took a good portion of the standard five (5) minutes for recovery before continuing. In this instance, it could be argued that Cooper should have, at a minimum, also deducted two (2) points from Williams.

Assuring the Health and Well-Being of the Boxers

At various times during the contest, Colón made gestures with his hand to indicate he was being punched by Williams in the back of the head/neck. Cooper stated he was aware Colón was pointing or motioning to the back of his head/neck. As previously noted, Cooper warned Williams about punches to the back of the head/neck but did not observe any fouls that he believed warranted the taking of points until Round 7.

At that time, Cooper followed standard protocol for having Colón evaluated and only allowed the contest to continue once he established Colón's injury did not impair his ability to box.

Regulation 18 VAC 120-40-342 states, "A referee may terminate the count and the bout at any point when he determines that the safety of a boxer is at risk."

In Round 9, Cooper did start a knockdown count twice. Following the second knockdown count, Colón got up on his feet before Cooper got to 10 and then the bell rang for the end of the round. Based on Colón's ability to stand and physical appearance, Colón appeared to be willing and able to continue boxing. As such, Cooper did not have reason to question Colón's safety and, therefore, consider terminating the count and/or bout.

Based on Cooper's responsiveness to Colón's concerns for being hit in the back of the head/neck, Cooper's attention to Colón's health after suffering injury, and Colón's lack of exhibiting any serious harm or injury that impaired his ability to fight, Cooper did assure the health and well-being of Colón.

Ringside Physician

The role of the ringside physician is to protect and care for each boxer before, during, and after competition. Before each competition, boxers should undergo a pre-bout examination, usually in conjunction with weigh-in, and be examined closely for injuries that may have been sustained during training or their previous bout. The ringside physician acts in conjunction with the referee to ensure that each competitor is able to effectively defend him or herself throughout the course of a bout.

Regulation 18 VAC 120-40-220 outlines the duties of ringside physicians for boxing events. Specifically, the assigned ringside physician shall perform the following:

- Conduct a physical examination and take a medical history of each boxer immediately before the contest to assure his fitness to compete; and

- Render immediate medical aid to any boxer injured during a contest and, where appropriate, accompany the boxer to the hospital and other place where competent medical aid may be delivered. In no case shall the assigned ringside physician cease the direct application of his skills as a physician to an injured boxer until such time as the ringside physician, in his best medical judgment, determines that his services are no longer necessary or the injured boxer is under the care of other medically competent individuals.

Furthermore, 18 VAC 120-40-342 states, "The ringside physician may terminate the bout when, after examination of the boxer and consultation with the referee, he determines that the safety of the boxer is at risk."

Determining Fitness to Compete

Colón was evaluated by Ashby prior to the contest. The Pre-Fight Medical Questionnaire indicated Colón had a MRI or CT scan performed, but lacked the date and results of such scan.

Although no date was provided on the questionnaire, the details indicate it was a common requirement for Canada. According to Colón's fight record, his only boxing contest in Canada was on September 11, 2015. One can assume based on the additional note, the MRI or CT scan was performed relatively close in time to his boxing contest in September 2015. But without a specific date, it is unclear whether the MRI or CT scan was performed before or after that bout.

Furthermore, details regarding the results of the MRI or CT scan were not provided on the questionnaire. Colón was placed on a 15-day suspension following his September 11, 2015, bout. However, according to the Ontario Athletics Commission, the 15-day suspension is a doctor-ordered, mandatory rest period required between fights. Since Colón boxed on September 11, 2015, and there was no medical suspension issued following the contest, one can assume that the results of the MRI or CT scan (regardless of whether it was conducted before or after September 11, 2015) did not present any medical issues.

Ashby did not add any notes or comments regarding additional information he may have obtained during the pre-fight evaluation. But based on the assumptions stated above, it does not appear the missing information would have impacted Ashby's decision to determine Colón's fitness to compete.

Ashby was not present at the official weigh-in and it is unknown whether Colón's official weight was reported to Ashby. The only information Ashby had regarding Colón's weight was from on the Pre-Fight Medical Questionnaire and as determined during Ashby's pre-fight evaluation of Colón. Ashby was not aware Colón's weight fluctuated from 154 pounds two (2) weeks prior, to 148.8 pounds the day before, and back to 156 pounds the day of the bout. Without knowledge of Colón's weight change, Ashby would not have had reason to be concerned with Colón's weight loss prior to the bout when determining Colón's fitness to compete.

Rendering Medical Aid/Determining Safety of Boxer to Continue

In Round 7, Colón was knocked to the ground after being punched in the back of the head/neck. Cooper told Colón he had a few minutes to recover and then called over the ringside physician when Colón goes to a corner. The ringside physician evaluated Colón by talking to Colón and looking at Colón's eyes. Colón was allowed to continue boxing as he did not have impaired vision, severe lacerations, or apparent broken bones and Colón was coherent, responsive, and able to stand on his own after taking some additional rest time. Colón continued the round and fought another two (2) rounds without requesting or requiring any further medical attention.

When a boxer is injured during a contest, the ringside physician is responsible for evaluating the boxer and determining if the boxer is able to continue. While the specifics of this evaluation are not delineated in the regulations, commonly known practices of this examination include an evaluation of visible and non-visible injuries along with assessments and determinations of whether the boxer is coherent, capable of boxing in a competitive manner, and able to protect himself. Evaluations also include dialogue between the boxer and physician. In most all cases, this is to help determine if the boxer wishes to continue with the contest and also aids the physician in determining the boxer's condition, generally.

The methods that a licensed physician uses to conduct the evaluation and make a determination are the sole responsibility of the physician and are presumed to be in accordance with established standards of care/practice for medical doctors.

CONCLUSION AND RECOMMENDATIONS

While Colón's medical condition following the contest against Williams is tragic, there is not one action so apparent and/or egregious to justify laying blame to any one person.

The review identified no regulatory violations by any licensee under the Department's jurisdiction. Nor does evidence clearly suggest any contract vendor failed to comply with statutes and regulations governing referee or ringside physician duties.