

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

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In the Matter of :  
The Application of Ron Lipton, :  
Petitioner, :  
 :  
For a Judgment under Article 78 of : VERIFIED PETITION  
the Civil Practice Law and Rules : Index No. \_\_\_\_\_  
 :  
-against- :  
 :  
Ron Scott Stevens, as Chairman, :  
New York State Department of State :  
New York State Athletic Commission and :  
The New York State Athletic Commission, :  
Respondents. :  
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Ron Lipton, by his attorney, Michael C. DeLisa, Esq., for his verified petition, says:

1. On March 8, 2005, the New York State Athletic Commission denied petitioner, Ron Lipton's application for a professional boxing referee's license.
2. The Commission's denial of petitioner's application was arbitrary, capricious, and contrary to law.

The Parties

3. Petitioner was a licensed professional boxing referee with NYSAC from 1990 until 1998, licensed each and every year with each application. He was also licensed in New Jersey, Pennsylvania, Maine, and Missouri. In addition, Petitioner was licensed in Vermont up until July 31, 2004.
4. Respondent, New York State Athletic Commission, a State agency under the Department of State, is responsible for regulating boxing within the State of New York.
5. Respondent Ron Scott Steven's is Chairman of the New York State Athletic Commission

### Background Facts.

6. In 1997, Petitioner uncovered certain improprieties with respect to efforts to have him removed as a referee prior to one of the fights in New York. Petitioner raised these concerns with Tony Russo then Executive Director of NYSAC. Petitioner and Mr. Russo did not agree with NYSAC's handling of that incident. Because of a personal animus that developed on the part of Mr. Russo towards my client, Mr. Russo threatened to blackball Petitioner in New York. Such action, of course would be contrary to law.
7. The following is a history of Mr. Lipton's recent attempts to obtain a license:
8. Application dated September 2003. Petitioner applied in September 2003 for a professional boxing referee's license and attended NYSAC's referee seminar in October. Along with his application, Petitioner submitted supporting materials and written recommendations. In addition, at that time and in support of Mr. Lipton's application, Harold Lederman, a well-respected boxing judge and commentator, gave his opinion to NYSAC Chairman Ron Scott Stevens that Petitioner was the best referee in NY state and one of the finest in the business.
9. Nevertheless, Chairman Stevens denied Mr. Lipton's 2003 application on November 23, 2003. At that time, Mr. Stevens informed Petitioner that the sole reason for the denial is because NYSAC had "too many guys."
10. Thereafter, in anticipation of a hearing on his rejected application, Petitioner sought to ascertain if his complete application – including the supporting materials and recommendations – had been reviewed. Chairman Stevens informed Petitioner that his file had been lost.
11. Hugo Spindola then informed Petitioner by letter that he would not be allowed a hearing as only people with a license were entitled to a hearing.
12. On information and belief, notwithstanding that NYSAC had "too many referees," NYSAC has used out-of-state referees for many of its cards. These referees include New Jersey residents Steve Smoger, Randy Neumann, Benji Estevez, as well as John Callas of Connecticut, and others.
13. Use of out-of-state referees has continued from 2003 through the present. Accordingly, it seems clear that rather than having "too many" referees, NYSAC did not have enough and was forced to look to out-of-state referees to fill its workload.

14. Application dated September 16, 2004. Petitioner applied for a license on September 16, 2004, and made preparations to attend the October 2004 referee seminar sponsored by NYSAC.
15. On the eve of a scheduled seminar, October 7, 2004, and over a Holiday weekend, Mr. Spindola faxed a letter denying Mr. Lipton's application "in the best interest of boxing." The meaning or rationale for that statement was not explained.
16. This stated reason for Mr. Lipton's rejection, is completely ludicrous and unsupportable.
17. Application at issue in this proceeding dated January 18, 2005. Petitioner then submitted another application, this time with an accompanying letter from his attorney setting out the prior history and presenting a full and accurate recital of petitioner's credentials. The letter was meant to give NYSAC a better view of Petitioner's qualifications and as a last opportunity to avoid litigation. Petitioner's ability cannot be questioned. Petitioner's integrity and honesty are above reproach. Petitioner's dedication to the sport is part of his life's work.
18. On March 8, 2005, Mr. Hugo Spindola, a member of the commission and its counsel, advised by letter that the Commission had denied petitioner's January 18, 2005 application.
19. Accordingly, petitioner now brings this proceeding to have the court step in and review the arbitrary and capricious nature of the denial.
20. **Ron Lipton's Life in Boxing – Boxer, Trainer, Referee:** Petitioner is a professional boxing referee. He was a three time amateur boxing champion, sparring partner of many great boxing champions such as Muhammad Ali, Joe Frazier, and Rubin "Hurricane" Carter. Petitioner is presently employed as a teacher of a credited boxing course in physical education at Marist College in Poughkeepsie NY where he has taught for the past three years.
21. Petitioner is a retired police officer who worked as an Investigator for the Hudson County Prosecutor's Office in NJ and various NY and NJ police departments. In a national televised interview on Newport Talk on March 25, 1997, Rubin Hurricane Carter credited Petitioner as a police officer who helped secure Mr. Carter's freedom.
22. In 2002, in Poughkeepsie NY, Petitioner was awarded a Lifetime Civil Rights Achievement Award by the Black Prestige Community Service Award for service to Boxing.

23. In addition to the above, Petitioner is a boxing historian and boxing writer who has been published in Ring Magazine, Boxing Illustrated, World Boxing, International Boxing, Ulster Magazine and Cyber Boxing Zone. Petitioner received credit as the “Senior Boxing Consultant” for the film “Muhammad Ali, the Whole Story,” which was aired on the TNT network. Petitioner is also a boxing choreographer whose work won an award for the “Ali,” in 1992.
24. Petitioner has been active with former Heavyweight Canadian Champion George Chuvalo in his anti-drug program in arranging personal appearances and lectures with Mr. Chuvalo where we have both appeared on television and in the newspapers as helping the youth of our country fight drug abuse.
25. Petitioner will be appearing in an upcoming documentary as a top referee and boxing expert giving background analysis on the life of former heavyweight boxing champion James J. Braddock, for the upcoming movie, entitled “Cinderella Man,” starring Russell Crowe.
26. **Referee Credentials:** Petitioner has refereed championship boxing matches in most weight classes in professional boxing, including bouts televised on HBO, Pay-per-view, ESPN, USA and MSG channels. He has refereed main events at venues throughout New York, including Madison Square Garden, as well as several other states, Indian reservations, Ireland, and Italy.
27. In December 1995, then NYSAC Chairman Floyd Patterson choose Petitioner to referee the Oscar De La Hoya vs. James Leija Lightweight Championship Bout, billed as the return of big-time boxing to New York City.
28. In March 1995, Petitioner was chosen to referee World Super middleweight Championship match between Middleweight Champion Steve Collins and Chris Eubank, which was held on March 15, 1995 in Ireland and televised to all of Europe and the Orient on Sky TV. Petitioner refereed the fight despite attempts by outside sources attempting to coerce the officials. Petitioner reported this misconduct immediately and testified as such in High Court in Dublin Ireland in 1997 in a subsequent case. Steven Collins the champion has supplied the NYSAC with a letter of recommendation as to his abilities as a referee and as an honest official who stood up to corruption.
29. In sum, Mr. Lipton’s integrity and ability as a professional boxing referee is of the highest order.
30. Petitioner does have a misdemeanor assault conviction arising from an attempted assault upon him by three men. The Courts, however, are currently reviewing that conviction. Petitioner is confident that the conviction will be vacated and the complete facts pertaining to this matter revealed.

31. Beyond that, Petitioner would be – as he was in the past – a valuable asset to the Commission as it goes about its work of regulating boxing in New York State.

Cause of Action

32. Petitioner repeats and realleges the allegations of paragraphs 1 through 32 as if fully set forth herein.

33. The Commission's denial of Petitioner's license application was arbitrary, capricious and contrary to law.

34. Rights of the Petitioner have been impeded, impaired, prejudiced and defeated.

35. No prior application has been made for the relief requested herein.

WHEREFORE, Petitioner respectfully pray for an order:

- a. Directing the Commission to grant petitioner a professional referee's license;
- b. For such other and further relief as this court deems just and proper.

Dated: April 6, 2005  
Melville, NY

Michael C. DeLisa, Esq.

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