

# ATHLETIC COMMISSION

STATE OF NEW YORK  
DEPARTMENT OF STATE  
123 WILLIAM STREET  
NEW YORK, NY 10038-3804  
TELEPHONE: (212) 417-5700  
FAX: (212) 417-4987  
WWW.DOS.NY.GOV

ANDREW M. CUOMO  
GOVERNOR

ROSSANA ROSADO  
ACTING SECRETARY OF STATE

NDIDI MASSAY  
INTERIM CHAIR

ANTHONY GIARDINA  
INTERIM EXECUTIVE DIRECTOR

June 2, 2017

The Law Offices of Craig Zimmerman  
P.O. Box 15126  
Santa Ana, CA 92735

Attn: Craig Zimmerman

Re: Anthony Johnson Request for Hearing

Dear Mr. Zimmerman:

This is in response to your correspondence dated April 12, 2017, in which your client, Anthony Johnson, petitions the New York State Athletic Commission (“Commission”) for a hearing to examine certain facts and circumstances surrounding the official weigh-in for the Ultimate Fighting Championship (“UFC”) 210 professional Mixed Martial Arts event that was overseen by the Commission on April 8, 2017, in Buffalo, New York. At that event, Mr. Johnson competed against Daniel Cormier for the UFC Men’s Light Heavyweight Title in a five round championship bout. The bout was terminated in the second round after Mr. Johnson “tapped out” and Mr. Cormier was declared the winner.

Mr. Johnson claims that, at the weigh-in on the previous day, Mr. Cormier improperly placed his hands on a towel that was stretched out in front of his body in order to shift his weight off the official scale and meet the contracted weight of 205 lbs. Mr. Johnson, specifically, requests that the Commission hold a hearing and require Mr. Cormier to explain under oath the reason for his actions at the weigh-in. He further requests that Mr. Cormier be disciplined for his actions if he is not able to provide a satisfactory explanation for his conduct. If he is disciplined, Mr. Johnson requests that Mr. Cormier be ordered to pay 20% of his fight purse to Mr. Johnson and that he should be stripped of his UFC Men’s Light Heavyweight Title.

General Business Law § 1004(1) provides that the Commission is vested with the sole direction, management, control and jurisdiction over all authorized combative sports. While the Commission has the authority to inquire “into any matter which may affect combat sports or professional wrestling in New York in its discretion and without limitation”, 19 NYCRR § 206.13, there is no statutory or regulatory requirement that a formal hearing into the results of a weigh-in or combat sports match be held upon receipt of a written protest/petition by a party to a bout. See, generally, General Business Law §§ 1000, et seq.; 19 NYCRR Part 206.

The official weigh-in for UFC 210 was held on April 7, 2017, at the Buffalo Marriott Harbor Center Hotel. Prior to the weigh-in, Messrs. Cormier and Johnson had signed reciprocal versions of the standard New York State Athletic Commission Official Bout Contract for Professional Mixed Martial



Department  
of State

Arts (“Bout Contract”). In that contract, both parties agreed that their respective weights would not exceed 205 pounds at the time of the official weigh-in for the subject bout. Paragraph “3” of the Bout Contract also provides:

The official weigh-in shall take place in such manner and at such specific time and place as designated by the Commission. The Combatant’s weight as determined by the Commission at the official weigh-in shall be deemed the combatant’s official weight for purposes of the subject bout and this Contract.

In accordance with the procedures set forth in Commission Bulletin 2014-2 posted on the Commission’s website and effective on April 7, 2017, Mr. Cormier’s weight was determined by the Commission to be 205.0 pounds at the official weigh-in. Neither Mr. Johnson nor any member of his camp who was present for the weigh-in raised an issue with regard to Mr. Cormier’s alleged conduct or the official weight determination. In fact, Mr. Johnson did not protest the weigh-in result or Mr. Cormier’s alleged actions at any time within the 36-hour period between the weigh-in and the conclusion of the title bout. As Messrs. Cormier and Johnson competed in the Bout and received payment in accordance with the terms of the Bout Contract, each combatant fully complied with all provisions of the Bout Contract.

Accordingly, as Mr. Cormier’s weight was officially determined to be 205.0 pounds in compliance with Commission rules and the official Bout Contract, and as no conclusive evidence has been presented to demonstrate that his actual weight was any different than the officially determined weight, the results of the weigh-in on April 7, 2017, are final and Mr. Johnson’s request for a hearing must be denied. Additionally, even if it were determined that the Bout Contract was violated, Mr. Johnson’s claim for 20% of Mr. Cormier’s fight purse would have to be denied since the Commission has no policy or rule requiring a combatant to relinquish a portion of his or her fight purse to another fighter.

Finally, Mr. Johnson incorrectly claims that Mr. Cormier was not examined by a physician after the weigh-in. In fact, Mr. Cormier underwent a full physical examination by a Commission physician immediately after the weigh-in on April 7 and, again, before and immediately after the bout on April 8.

Please take notice that this decision constitutes the final determination of the Commission.

Very truly yours,



Anthony Giardina  
Interim Executive Director

cc: Ryan Sakacs, Counsel  
Kim Sumblar, MMA Project Coordinator