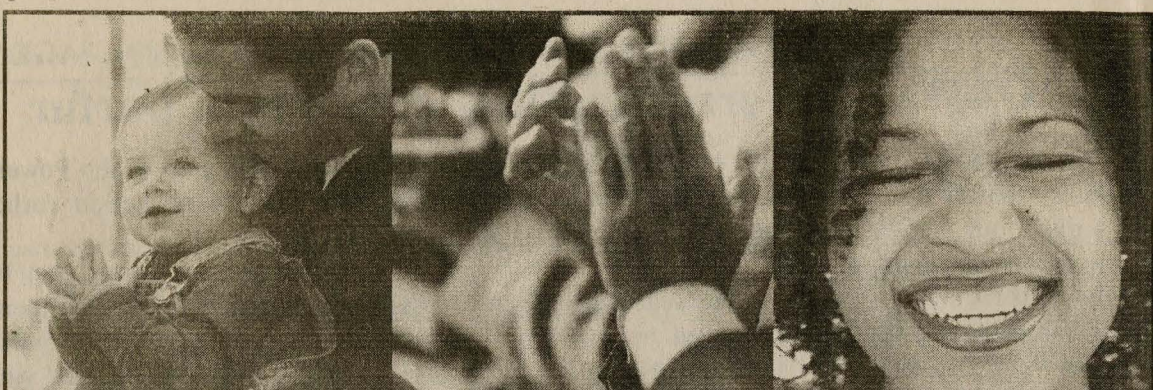




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SPORTS

Antitrust Lawsuit Against Bengals, NFL Could Reverberate Across League

By JOHN NOLAN
Associated Press Writer

CINCINNATI (AP) — A favorable court decision for county officials fighting the Cincinnati Bengals about the costs of building and operating the team's stadium could have implications across the NFL.

Hamilton County officials argue that the Bengals and the NFL improperly used their monopoly power and threats to leave for another city to get taxpayers' money for the stadium. If a judge upholds that argument in the antitrust case, the decision could help local governments when new stadiums are built in the future, an expert said.

By limiting the number of available teams, the NFL can force cities and counties to pump money into stadium projects, said Andrew Zimbalist, an expert who has written and consulted extensively on sports economics.

"They're able to get cities to compete against each other — and extort large sums of public money," said Zimbalist, an economics professor at Smith College in Northampton, Mass. "If the court upholds that argument, it pretty much affects everybody in the NFL."

A federal judge ruled this week that Hamilton County could proceed as the main party in the lawsuit that challenges the lease for Paul Brown Stadium, which the team started using in 2000. County officials say the judge has allowed them to proceed to obtain Bengals' financial records needed for the lawsuit, documents generally closely guarded by sports franchises.

County officials and their lawyer say that, at a minimum, the county will want to see Bengals and NFL financial records and operating documents related to the lease

negotiated in 1997. They also plan to take statements from key Bengals executives.

"Certainly there will be things beyond that," commissioner Todd Portune said, adding that those decisions will be up to the county's lawyer, Stanley Chesley.

"Presumably, the county lawyers won't stop at just the financial statements. They'll want to go beyond that and get some detailed records," Zimbalist said.

Sports franchises typically contend that they are private businesses and their records are not available for public inspection. In some cases, unions for professional athletes are allowed access to teams' financial information in the course of collective bargaining, but the public doesn't get to see it, Zimbalist said.

Public release of such information might undercut a team's public position, Zimbalist said.

He said, for example, that a review of the Bengals' books might show that the team was financially strong enough to be competitive before Paul Brown Stadium was built — even though team owner Mike Brown said the Bengals needed a new, bigger stadium with revenue from luxury boxes in order to stay competitive in the NFL.

The Bengals could ask the judge to allow county lawyers to privately inspect the financial records without publicly releasing them, Zimbalist said.

U.S. District Judge S. Arthur Spiegel has rejected efforts by the Bengals and the NFL to dismiss the lawsuit. The county's lawyer hopes it could go to trial early next year.

Lawyers for the Bengals and the NFL on Thursday asked the 6th U.S. Circuit Court of Appeals to dismiss the lawsuit. They contend it cannot proceed because it was originally

filed as a taxpayer lawsuit before the county took it over and that the taxpayer had no standing to pursue the case. The appeals court has not ruled.

Spokesmen for the Bengals and the NFL declined to discuss the case. The Bengals' team policy is not to comment on litigation, spokesman P.J. Combs said.

"Our attorneys will represent us and speak for us in court," NFL spokesman Greg Aiello said.

Taxpayers approved a half-cent county sales tax increase in 1996 to pay for new stadiums for the Bengals and baseball's Cincinnati Reds. The stadiums were built at a combined cost of almost \$750 million, rather than the \$540 million originally promised to the county's taxpayers.

County officials say revenues from the stadium tax increase are falling behind projections, raising the prospect that the county may have to dig into its general fund in coming years to pay the debt. The county wants to renegotiate the stadium lease with the Bengals to give the county more money so that it can repeal the tax increase in 20 years as taxpayers were told originally, Portune said.

"We want a deal that's fair," Portune said. "No one's trying to punish the NFL or the Cincinnati Bengals."

The NFL has made millions of dollars available through loans to its teams in some cities to help pay for building new stadiums, Portune said. The Bengals didn't bring that to the attention of local government officials in Cincinnati, he said.

Hamilton County wants that same benefit from the NFL in order to pay down some of the stadium debt, Portune said.

Florida A&M Sports Had More Than 200 Eligibility Violations

By Roosevelt Wilson

Special to the NNPA from Capital Outlook

TALLAHASSEE, Fla. (NNPA) — Whether the term is "vacated," "no contest" or "forfeit," if the Mid-Eastern Athletic Conference penalties stand as imposed, Florida A&M University will lose some 147 conference victories for men and women in six sports between 1998-99 and 2002-03. FAMU was not in the MEAC in 2003-04 because of its short-lived visit to Division I-A.

In addition, the Rattlers will have to return men's and women's trophies and reimburse the MEAC for seven All-Sports championships and lose 11 MEAC team championships, all won by the university between 1998-99 and 2002-2003.

The penalties were handed down to FAMU in a June 29 letter from MEAC Commissioner Dennis Thomas to FAMU special assistant to the president Joe Ramsey who is in charge of athletics. The sanctions were the result of 196 student-eligibility violations FAMU self-reported to the NCAA and MEAC.

The NCAA has not yet responded to the report, which covers infractions from the 1998-99 through 2002-2003 seasons.

The MEAC, according to the letter from Thomas, ruled the contests in which ineligible student-athletes participated "no contest." The NCAA uses the term "vacated" for victories in such contests. The lay term is "forfeit," all of which mean that the win is no longer a win.

For FAMU's opponents in those MEAC games ruled "no contest," however, there is a technical difference between "no contest," a "vacated" victory and a forfeit the MEAC will have to address.

"No contest" means the game never happened; therefore, not only wiping the win from FAMU's record but also wiping the loss from that of FAMU's opponent. To "vacate" the victory takes the win from FAMU but leaves the loss on the opponent's record. A "forfeit" simply reverses the original result, giving FAMU the loss and the

opponent the victory

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As most of the nation's major athletic programs, FAMU employs the compliance officer to lift that burden from the coaches and athletic director. The major responsibility of the compliance officer is to certify that each student-athlete is fully eligible before the student-athlete is permitted to participate in each athletic contest.

FAMU President Fred Gainous told the Outlook that he had no comment other than that it would be decided later if FAMU would appeal the MEAC action.

In his letter to Ramsey, Thomas wrote:

"Pursuant to the Florida A&M University (FAMU) self-report of NCAA violations and response to audit conducted by Collegiate Proactive Solutions Inc. dated May 14, 2004 submitted to the NCAA and the Mid-Eastern Athletic Conference (MEAC) and after reviewing all the information submitted, it has been determined that FAMU has committed substantial non-compliance as it pertains to student-athlete eligibility in the sports of baseball (2002 & 2003 seasons), football (1999, 2000, 2001, 2002 & 2003 seasons), softball (2002 season), women's basketball (1998-1999, 1999-2000, 2000-2001 & 2001-2002 seasons), volleyball (1999-2000 seasons), men's swimming (2001 & 2002 seasons), women's swimming (2000 & 2001 seasons), men's tennis

(1999, 2000 & 2001 seasons), men's indoor track (2002 & 2003 seasons), men's track (1998, 1999 & 2001) and women's track (1998, 1999, 2000 & 2001)."

Thomas continued: "Based upon the preponderance of participation by ineligible student-athletes, the conference office has determined that FAMU will have to comply with conference By-Law 13.2.1.14 Section 14-a, b & c (participation of ineligible players). Therefore, all contests those ineligible student-athletes participated in will be rendered "no contest." Any revenue received from winning the All-Sports trophies (Mary McLeod Bethune Award and Talmadge Layman Hill Award) must be reimbursed to the conference office. Furthermore, any championship won during the period that ineligible student-athletes participated will be rescinded (football 2000 & 2001; men's tennis 2000; men's indoor track 2002; women's indoor 1998, 1999, 2000; women's outdoor 1998, 1999, 2000; volleyball 1999).

Thomas advised Ramsey of FAMU's right to appeal. He also asked Ramsey to advise the MEAC when FAMU has mechanisms in place to ensure such violations will not happen again.

Here is what FAMU will lose: Individual athletic contests (MEAC victories only): Baseball (22 total) — 2002, 10; 2003, 12. Football (26 total) — 1999, 7; 2000, 7; 2001, 7; 2002, 5. Softball (10) all in 2002. Women's Basketball (39) — 1998-99, 14; 1999-00, 9; 2000-01, 10; 2001-02, 6. Volleyball (22) — 1999, 8; 2000, 14. Men's Tennis (28) — 1999, 9; 2000, 10; 2001, 9. Team championships: All-Sports (men, 3) — 1998, 2000, 2002; (women, 3): 1998, 1999, 2000. Football (2) — 2000, 2001. Men's Tennis (1) — 2000. Men's Indoor Track (1) — 2002. Women's Indoor Track (3) — 1998, 1999, 2000. Women's Outdoor Track (3) — 1998, 1999, 2000. Volleyball (2) — 1999-2000 (regular season and tournament champions).

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