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SPORTS ETHICS FOR SPORTS MANAGEMENT **PROFESSIONALS**

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To my wife, Alison, and our sons, George and Samuel.

-PT

To my son Charles who will be in the 400 in the 2020 Olympics—Son, watch out for lane changes, Love, Dad

-WTC

I dedicate this to my dad, Joe Ruddell, who was a star performer on the Virginia Tech basketball team of the 1940s, and brothers Pres (who played Minor League Ball with the Twins), Jim, and Bill, for the love of sports that we all share, and my kids, Preston and Anna, that they may share the passion and "run the race!"

-LR



The term *ethics* covers a broad spectrum of disciplines in today's society. Business ethics, medical ethics, legal ethics, environmental ethics, and, yes, even sports ethics are prevalent in today's culture. Sports ethics confronts many issues common in our society within the context of the sports world. Race and discrimination, gender equity issues, privacy, intellectual property, gambling, violence, and drug use and drug testing are all significant topics in the study of sports ethics.

Sports management professionals (SMPs) will be confronted with many ethical decisions during their careers. It is essential that they be equipped to make the right decision when faced with a difficult situation. This book was written with an eye toward the sports management professional, who will certainly encounter many tough decisions during his or her career. It is one of the goals of this book to assist the SMP in making the right decision when the situation arises. Ethical situations can arise for the sports manager in a variety of circumstances: in the employment process, in the administration of an athletic program at both the amateur and professional levels, in youth sports, and in the everyday decisions an SMP must make in fulfilling his or her duties and responsibilities.

In Chapter 1, several ethical models are presented that the SMP may use as a platform to make ethical decisions. No one likes a cheater; that is a simple proposition. The concept of cheating is explored in the first chapter. How is cheating actually defined, and what should be done to avoid cheating in sports? Chapter 1 also presents several practical cases ("tough calls") for the SMP relating to discrimination in the workplace, eligibility and participation issues, disability issues in sports, and ethical issues confronting the SMP in collegiate and professional sports. Each case allows the student to apply the ethical decision-making process to a sports-related ethical dispute.

In Chapter 2, the concepts of sportsmanship and gamesmanship are examined. Is there a difference between the two? If so, what are the differences, and how are they applied in the sporting world? Every sport has rules that all participants (fans, players, coaches, referees, and parents) must abide by. However, rules are often broken, particularly by the participants. Sometimes this is even done intentionally. Should sports tolerate the intentional breaking of the rules of the game or sport? America's national pastime of baseball seems to tolerate the concept of gamesmanship more than other sports, and Chapter 2 further explores the differences between sportsmanship and gamesmanship in this context. Spying and espionage have always been present in sports. Trying to figure out the "secrets" of another athlete's success

can be valuable information for a competitor. Those concepts are developed and discussed fully in Chapter 2. "Trash talking" and profanity have become prevalent in both professional and amateur sports. Is it ever acceptable to engage in either, and, if so, under what circumstances? The limits of this kind of behavior are also discussed for all levels of sports.

Gambling has been present in sports ever since participants have thrown or passed a ball. It is a simple, but true, statement: individuals like to play games of chance with the hope of winning money. But is gambling good for a sport? Every professional sports league regulates gambling to a certain extent. Many experts agree that gambling diminishes the integrity of the sport. Chapter 3 explores the influence gambling has had on players, teams, referees, and leagues at both the professional and amateur levels and what has been done to reduce the influence of gambling in sport.

All those involved in sports have an ethical calling. Participants should play the game within the rules; coaches should perform their duties ethically and responsibly. Sports officials and umpires have a moral and ethical duty to be fair and unbiased in all their rulings. These concepts are explored in Chapter 4. Participants must comply with a code of conduct during play, and they should not engage in unsportsmanlike conduct or violent behavior. It is incumbent on coaches to provide for the safety of participants. Coaches must supervise and instruct athletes properly to prevent injury, and they must refrain from violent and abusive behavior towards the athletes they coach. It is an understatement that sports officials have a tough job, but they must perform it without bias and with consideration for the safety of all participants and fans.

Chapter 5 discusses two of the most important participants at any sporting event—parents of youth sports participants and fans. Parents are becoming more involved in their children's sporting events, and along with that increased involvement come ethical duties. Parents should conduct themselves appropriately and be good examples for youth sports participants at all events. "Parental rage" has become a major issue, both legally and ethically, at the youth sports level. Chapter 5 discusses this concept in depth. Every sporting event needs enthusiastic fans. Without fans, no sport can survive. Fans love to cheer their team to victory, but it must be done in an ethical and certainly a nonviolent manner. Fans at sporting events owe an ethical duty to others at the sporting event to conduct themselves appropriately, while still enjoying the sporting event and to refrain from "fan rage," violent behavior, "over the top" heckling, or stalking athletes. All of these concepts and ethical issues are explored in Chapter 5.

Violence in sports is a major ethical issue facing almost every major sport. Violence is tolerated in many sports and even encouraged in others. Issues of how much violence at all levels of sports should be tolerated are explored in Chapter 6. Both civil and criminal sanctions can be levied against violent athletes to attempt to curb inappropriate behavior. The sport of professional hockey tolerates, and in some cases even encourages, fighting and has clearly stated so. Unfortunately, athletes sometimes also engage in "off-the-field" violence. Leagues, teams, and managers may have to deal with off-the-field violent and nonviolent issues as well, determining appropriate punishment for the offenders.

It seems no topic has been explored and discussed more in the sporting world in the last few years than drug use and drug testing. Chapter 7 explores drug testing and use and its ethical implications in the context of both professional and amateur sports. Steroid use has become prevalent in sports and is a controversial issue. This topic presents major ethical dilemmas for athletes and for the SMP.

Congress has become involved in professional sports leagues to try to "clean up" the sport. Ethical issues abound in this area for the sports manager, athlete, coach, and athletic association as well as for professional teams and leagues.

Race has a long history in sports. In Chapter 8 race and discrimination issues are discussed. Racial issues are present at all levels of sports and involve all participants, sports officials, coaches,

and parents. In this chapter, cases and case studies explore issues dealing with race in the employment context as well as with eligibility issues.

Sports agents arrived on the sports scene in the late 1960s, primarily because of the increasing salaries for professional players. In Chapter 9, numerous ethical issues facing sports agents are examined. Agents are in a trust or fiduciary relationship with clients, and they must abide by certain ethical and legal rules when performing their duties. Agents have many responsibilities and obligations to their clients, including contract negotiations, endorsements, tax advice, and legal advice. All of these duties must be performed in an ethical and legal manner. The issue of attorneys also acting as agents is explored. Many entities regulate sports agents: the NCAA, states, player unions, and universities. Any regulation of agents must be fair and ethical, and any discipline levied against unethical agents must comport with the agent regulatory system.

Chapter 10 discusses women in sports, gender discrimination, and Title IX. For many years women did not have the same opportunities as men to participate and be involved in sports. Many antiquated attitudes existed, and some still do, about the "fragile" woman who is unable to participate in sports and "can't keep up with the boys." Unfortunately, discrimination and abuse against women in sports have become very significant issues for all involved in sports. An SMP will be called upon to make ethical decisions dealing with both sexual harassment and sexual abuse of women athletes. Title IX has done a lot to make women's sports "equal" to men's sports, but there is still room to grow. An SMP working at the collegiate level will certainly be faced with ethical issues related to Title IX and must understand the reasons behind its implementation. Compliance issues dealing with Title IX are also explored.

Intellectual property rights and licensing are significant issues for anyone involved in sports, especially the SMP. Cable television, the Internet, Twitter, Facebook, and other forms of broadcasting and social media dominate the sports landscape. Professional teams, universities, and players all have ethical concerns dealing with the protection of trademarks, copyrights, trade secrets, and the licensing of intellectual property. Ethical issues involving the fair use of copyrighted material, infringement of trademarks, ethics in sponsorship agreements, and protecting the athlete's image and rights of publicity are all explored in Chapter 11.

In Chapter 12 sports ethics is discussed in the context of sports media. Sports fans can access sports games and news in a wide variety of forms. Reporters, writers, and producers all owe a duty to perform their jobs in an ethical manner including producing factually accurate and truthful stories and to verify the facts of any story. The production of the story must be done in a truthful and forth-right manner, presenting all sides of an issue. Ethical and legal issues can arise in reporting stories of athletes. The media must immediately issue a retraction for any statement or story that is untrue and also issue an apology. That is the ethical thing to do. Media outlets should be aware of how the individuals in a story are portrayed and refrain from stereotyping any groups or individuals during their presentation of the news or a journalistic piece. Social media has now become a form of art, and ethical issues abound in this area. These are explored in depth as well.

It is our hope that this book will assist you in furthering your understanding of ethics and more specifically sports ethics. We also hope it provides you with some practical decision-making skills to assist you in your career in the sports industry.

Good luck in your study of sports ethics.

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Latrobe Law School in Melbourne, Australia; Itziar Murillo and Pilar Villar at ISDE in Madrid, Spain; Gabriela Sonato at the IE Business School in Madrid, Spain; and Mandi Gibson, South Texas College of Law.

Much of the information in this book has been collected through research as well as experiences I have had in the sports industry, classroom teaching, and even by watching sports. I have been fortunate to teach sports ethics and law courses to undergraduate, graduate, and law students, and to LLMs in a variety of countries. Those experiences have assisted me immensely in writing this book. I am very proud of the many outstanding students to whom I have taught law and ethics over the past 20 years in the United States and across the globe in South Korea, Vietnam, Australia, Russia, and Spain. They all have contributed to the book in some fashion. It has been a pleasure to teach each one of them.

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Of course, a great deal of thanks and credit goes to my co-authors in *Sports Ethics*, Walter T. Champion Jr. and Lawrence S. Ruddell. It is always great working with both of these fine scholars.

I was taught sportsmanship very early in life by my family and through youth sports. In youth sports I received the Mike Driscoll sportsmanship award four times. I never gave it much thought until later in life when I discovered the award was named after a young Marine who lived in my neighborhood who died in the Vietnam War in 1967 at the age of 22. Any acknowledgment to him would seem to not be enough, but I felt compelled to mention it.

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-Pat Thornton

I mostly observed sports ethics, or the lack thereof, while watching fans misbehave at an Eagles game. Other instances were in my 8th grade physical education class and as a participant in little league and school athletics. As far as someone who was ethical and exhibited sportsmanship at all times, my hat has to go off to Walter Payton.

-Walter T. Champion Jr.

I'd like to thank my colleagues Patrick Thornton and Walter Champion for including me on this important project; Chip Mason, the Dean of the College of Business at Belhaven University for his support and encouragement to write; and my coaches throughout the years (Sink, Purcell, Holland, and many others) who taught sports ethics and sportsmanship as a way of life.

—Larry Ruddell

CASE STUDY RUBRIC

We have prepared many case studies for your use in the study of sports ethics. We believe the case studies in the book will assist you greatly in your study and teaching of sports ethics. The following guidelines will assist you with the case studies in the book. Most of the studies are based on actual events in the sporting world. We have referenced each one so you can do further research and study if you so desire. You should find them very helpful in developing your own ethical decision-making skills. For the professor, they are arranged so they can be assigned to students to write papers, develop questions, or used as extra credit assignments that will further develop knowledge of sports ethics. When examining the case studies, the following questions should be asked:

- 1. What is the ethical dilemma or dilemmas posed in this case study?
- **2.** What should the goal of the sports management professional (SMP) be when first addressing this problem?
- 3. What is the best ethical model to use to approach the ethical situation posed?
- 4. As an SMP, what other information would you need to have to make an ethical decision?
- 5. What other individuals would you need to consult to achieve a fair and ethical decision?
- **6.** Does this ethical problem require a form of alternate dispute resolution such as a mediator? If so, how should you proceed, and what should be the goal of the mediator?
- **7.** If this ethical problem cannot be resolved between the parties, what specific compromises can be offered in an attempt to resolve the problem?
- **8.** Does this situation present legal issues that require the assistance of an attorney to arrive at a fair and ethical decision?
- 9. What cultural, social, or race issues need to be addressed by the parties involved in the scenario?
- 10. What are the possible consequences of making an unethical decision in this situation?

Good luck with the case studies and your study of sports ethics.

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ETHICAL CONCEPTS IN SPORTS

SPORTS IN SOCIETY

America is a sports crazed culture, but Americans are not alone in their love of sports. The world is connected in a sports culture with millions of individuals in Spain, India, Australia, New Zealand, Canada, Colombia, China and many other countries watching and participating in sports each year. Participating in sports can bring new challenges to an individual and teach valuable life lessons along the way. Americans participate in a variety of sports including golf, basketball, cycling, tennis, baseball, soccer, and ice hockey. Parents are enrolling their children in youth sports at an ever-increasing rate so they might learn time honored concepts such as hard work, dedication, team building, competition, and sportsmanship and hopefully transfer those skills to their personal life. All are good societal values and build character in youth.

Youth sports have never been more popular. In the United States millions of kids participate in a variety of sports beginning at the toddler stage. Before their children can even bounce a ball, swing a club, or run in a straight line, overzealous parents have them in the sports arena learning how to kick a ball, take a charge or throw a spiral. Kids participate in sports for a variety of reasons, some healthy and some not so healthy. Many participate because their friends are playing, others because their parents insist, and some even participate just for fun! When sports stop being fun, kids tend to drop out. The benefits of youth sports include increased confidence, increased fitness (less time for video games), increased social awareness, moral development, and improved problem-solving skills. Choosing sides, nominating a team captain, and shaking hands with an opponent after a match are all good character traits for a young athlete to develop, although organized sports has taken some of these basic tasks away from the youth participant. Many youth sports programs involve "select teams" or All-Star teams, in which certain players are picked to play additional games.

Sports at the high school level are increasing in popularity, and watching collegiate sports is extremely popular in the United States. With universities offering scholarships in a variety of sports including basketball, bowling, lacrosse, football, rodeo, riflery, ice hockey, and swimming, parents are hoping that their child will be a superstar.

2

Spectators flock to stadiums around the world to watch sports. American fans love to watch football, both amateur and professional; collegiate and professional basketball; ice hockey; and of course, America's national pastime, baseball. Athletes in professional sports can earn millions of dollars playing their favorite sport. Sports franchises are valued at more than \$1 billion, and collegiate football games can draw more than 110,000 fans. The New York Yankees are valued at \$1.2 billion, and some football coaches at major universities can earn more money than the university president.¹

Some fans seem to take sports a little too seriously, and this can include many youth sports parents. Ardent fans spend hours each day ruminating over statistics for their individual fantasy leagues while others paint their bodies and "tailgate" for up to 6 hours before the NFL game of their favorite team. The contemporary sports world is fraught with "over-the-top parents" and fans alike.²

Christopher Noteboom fits well into the dedicated category. He was an enthusiastic Philadelphia Eagles football fan, some may believe just a little too enthusiastic. In November 2008 he was arrested for running onto the field during a Philadelphia Eagles football game. Before judging him too harshly, consider his calling that day. Noteboom ran onto the field with a plastic bag under his right arm that contained the ashes of his recently deceased mother who herself was a long time Eagles fan. When Noteboom reached the 30-yard line, he dropped to his knees, made the sign of the cross, and lay on his stomach. Now that's a fan and a good son!³

Before you cast aspersions on Noteboom, consider the following comments that appeared in the *New York Times* in 1895 concerning Americans' infatuation with sports:

Is there not a certain defect of gayety in contemporary sport? We Americans seem nowadays to take ours excessively hard. We take some of our soberer matters very easily. We giggle over heresy trials, and have endless patience for the shortcomings of politicians, but we hold our breath over the reports of football games and yacht races, and lose our sleep over intricacies in the management of those events. We worried nearly as much last September over the international yacht races as our fathers did a generation ago over Mason and Slidell and the affair of the Trent.⁴

Many issues are present in sports as ethical, business, and legal issues abound in both professional and amateur sports. Race and ethnicity are at the forefront of social issues in sports. Whether it is the NFL's Rooney Rule or the use of Native American mascots by universities, race and ethnicity are significant topics in any discussion of sports ethics. Other issues such as drug testing, athletic eligibility, gender equity, intellectual property rights, and violence in sports all present serious issues for an intellectual debate on sports ethics. U.S. collegiate sports are fraught with ethical issues ranging from the illegal payment of student-athletes to agent regulation, low student-athlete graduation rates, and violence.⁵

¹ See Forbes.com; "Analyzing Salaries for Football Bowl Subdivision Coaches," USA Today, November 10, 2009.

² Matthew Futterman, "Under Pressure," The Wall Street Journal, October 4, 2008.

³ "Bad Sports: A Study Conducted by the University of Missouri-St. Louis," *Pittsburgh Post-Gazette*, November 29, 2005.

⁴ "We Take Our Sports Too Seriously: While Soberer Matters Are Treated with Unbecoming Levity," *New York Times*, November 5, 1895.

⁵ Rick Telander, *The Hundred Yard Lie: The Corruption of College Football and What We Can Do to Stop It* (Chicago: University of Illinois Press, 1989); Murray Sperber, *Beer and Circus: How Big-Time College Sports Is Crippling Undergraduate Education* (New York: Holt Paperbacks, 2001); Hela Sheth and Kathy M. Babiak, "Beyond the Game: Perceptions and Practices of Corporate Social Responsibility in the Professional Sport Industry," *Journal of Business Ethics*, 91, no. 3 (2010), 433–450.

Why Study Sports Ethics?

Some may ask, "Why study sports ethics?" Is there a specific discipline of sports ethics as there is for business, legal, or medical ethics? Many think so. A good deal of scholarship has been produced on the subject of sports ethics.⁶ Several noted scholars have been appointed sports ethics fellows, and universities have created centers for the study of sports ethics.⁷ Is there a practical reason for studying sports ethics? Some think not and argue that sports ethicists should stick to what they know best—sports. "If we have to have ethics at all in sports, let's make sure those moral philosophers explore the right issues. Should Pete Rose wear his Phillies or Reds cap to the Hall of Fame? Was O. J. Simpson the greatest running back in history?"⁸

For the sports management professional (SMP), there is a clear advantage to the study of sports ethics coupled with a study of management and law. Sports executives need to have a solid grasp of the ethical decision-making process to perform their duties honestly, professionally, and ethically. Whether that individual is an athletic director, coach, general manager, business owner, agent, or sports executive, all must deal with significant ethical and legal concepts prevalent in sports.

Sports morality and ethics were much debated topics, even in the early years of the 20th century. All-pro defensive end Bill Glass wrote a book in the late 1960s titled *Don't Blame the Game*, with chapter titles including "Win at Any Cost," "Booze Makes It Better, "Trainers Are Junkies," and "Racism Is Everywhere." An excerpt from the book stated: "You know the type, 'Broadway' Joe, Dave Meggyesy, Bernie Parrish, Jim Bouton—a handful of professional athletes whose escapades on and off the field have cast a shadow across the entire sport world." Yet Bill Glass says the "swingers" are really not representative of the majority of professional sport personalities. ¹⁰ It does not sound like Glass did himself any favors by naming specific players. One wonders what Glass thinks of today's sports world.

This book contains numerous cases and case studies in which ethics and morality come into play in sports. For a quick overview of some of the issues involved, consider the following scenarios and the types of ethical and moral decision making processes that may be required of the sports management professional.

- NBA player Gilbert Arenas said he faked an injury in a preseason game to allow a teammate to get more playing time.¹¹
- 2. NFL Houston Texans team owner Bob McNair ordered his team's staff to search the players' locker room to make sure they were not using any banned substances. 12

⁶ See Robert L. Simon, Fair Play: The Ethics of Sport (Boulder, CO: Westview Press, 2003); Claudio Tamburrini, Values in Sport: Elitism, Nationalism, Gender Equality and the Scientific Manufacturing of Winners (Ethics and Sport) (New York: Taylor & Francis, 2000); William J. Morgan, Ethics in Sport (Champaign, IL: Human Kinetics, 2007); Tommy Boone, Basic Issues in Sports Ethics: The Many Ways of Cheating (Lewiston, NY: Edwin Mellen Press, 2009).

^{7 &}quot;Institute for International Sport and Positive Coaching Alliance Announce 2010 Sports Ethics Fellows," March 31, 2010; Centers include the Center for Sports and Citizenship, The Ohio State University; Institute for Diversity and Ethics in Sport, University of Central Florida, Director Richard Lapchick; Also, Center for Sports, Ethics, and Culture, Ball State University.

⁸ Robert Lipsyte, "The Sports Ethicists Come Out in Force: Let's Ignore Them, O.K.?," New York Times, March 19, 2000, SP13.

⁹ Sol Metzger, "Sport Ethics Grow Cleaner at 4 Colleges," *Chicago Daily Tribune*, January 2, 1916, B4; Bernie Lincicome, "From Nero Down, Sports Cheaters Are Rife," *Denver Rocky Mountain News*, September 19, 2007.

¹⁰ "Bill Glass Answers the Sport World Swingers in Don't Blame the Game," Chicago Tribune, January 21, 1973, F6.

[&]quot;Gilbert Arenas Says He Faked Injury," ESPN.com, October 12, 2010.

¹² Associated Press, "Texans Searched Locker Room," ESPN.com, October 29, 2010.

4 Chapter 1 Ethical Concepts in Sports

- The University of Mississippi's new mascot, the "Rebel Black Bear," replaced its former mascot, "Colonel Reb."¹³
- **4.** In 2010 the Bahrain national soccer team beat Togo's national team 3–0, or at least they said they were the Togo team. However, Togo fans should not worry because the team that was shut out was a fake team organized by someone to "pocket" money from the event.¹⁴
- 5. In November 2008, Grapevine Faith, a small Christian school in Dallas, played a football game against Gatesville, a state school at a maximum-security correctional facility for male teenage felons. The Gatesville players were required to travel in handcuffs. Grapevine's coach, Kris Hogan, split his school's fans and cheerleaders into two groups with one group cheering for Gatesville. One Gatesville player said, "Lord, I don't know how this happened, so I don't know how to say thank you, but I never would've known there was so many people in the world that cared about us."15
- 6. A drunk adult Cleveland Browns fan tackled an 8-year-old New York Jets fan after a game between the two teams.¹⁶
- 7. After dropping a sure touchdown pass in an NFL game, wide receiver Stevie Johnson posted on his Twitter account a message wondering how God could allow him to drop the pass: 17 "I PRAISE YOU 24/7!!!!!! AND THIS HOW YOU DO ME!!!!! YOU EXPECT ME TO LEARN FROM THIS??? HOW???!!! ILL NEVER FORGET THIS!! EVER!!! THX THO"
- 8. In 2010 the LPGA voted to amend its constitution to allow transgendered players to participate. 18
- 9. In 2009 Sheffield United sued West Ham, and the two settled a lawsuit for \$30 million. West Ham had used ineligible players, thereby cheating during the 2007 season, and Sheffield United claimed they were the victims. West Ham player Carlos Teves scored a goal in the final match of the year against Manchester United, causing Sheffield to drop from England's top division, the Premier League.¹⁹
- 10. New York Yankees shortstop Derek Jeter faked that he was hit with a ball to get on base.20
- 11. New York Governor David Paterson was called before an administrative law judge to determine whether he violated ethics laws when he was able to secure tickets to the first game of the 2009 World Series at Yankee Stadium.²¹
- 12. NBA player Ron Artest announced he would donate "either all or some" of his 2011–2012 salary to charity.²²

¹³ Sandra Knispel, "University of Mississippi Introduces New Mascot," www.npr.org, October 15, 2010.

¹⁴ David Gauthier-Villars, "When Togo Played Bahrain, the Whole Match Was a Fake: Taking the Field as African Nation's Team, Impostors Lose Game but Net Fees," Wall Street Journal, October 4, 2010.

¹⁵ Joe Lemire, "The Decade in Sportsmanship," Sports Illustrated, December 22, 2009.

¹⁶ Rich Cimini, "Report: Young Jets Fan Roughed Up," ESPN.com, November 17, 2010.

¹⁷ Associated Press, "Bills Stand Behind WR Stevie Johnson," Espn.com, November 29, 2010.

¹⁸ Ryan Ballengee, "LPGA Votes to Amend Constitution to Allow Transgender Players," NBC Sports, November 20, 2010.

^{19 &}quot;Can Rule-Abiding Players Sue Alleged Cheaters? English Soccer Squabble May Hold the Answers," ctsportslaw.com, March 18, 2009.

²⁰ "The Jeter School of Acting," Sports Illustrated, September 16, 2009.

^{21 &}quot;Paterson Won't Attend Ethics Hearing on Yankees Tickets," Wall Street Journal, August 16, 2010. The governor was fined \$62,125. David M. Halbfinger, "Paterson Fined \$62,125 over World Series Tickets," New York Times, December 20, 2010.

²² Dave McMenamin, "Ron Artest to Donate 2011-12 Salary," ESPN.com, December 8, 2010.