## Agents issue reaches 'new level' with trial

The practices of agents such as Jim Abernethy of Atlanta, once considered unethical at worst, are being prosecuted as crimes. Many agents applaud this development, but they also are leery of the ground that is being broken.

By Chris Mortensen

Are they criminals? Soon, light will be shed on the issue of whether sports agents have broken laws in dealing with college athletes.

Starting Monday, former agent Jim Abernethy of Atlanta will be tried in Alabama on charges he violated three state laws - tampering with a sports event, commercial bribery and deceptive trade practice — in his dealings with former Auburn football player Kevin

Each misdemeanor count is punishable by a maximum of one year in jail and a \$2,000 fine. In a worst-case scenario for Abernethy, he could be found guilty of all three counts and face consecutive sentences totaling three years in jail and \$6,000 in fines.

As Abernethy faces a 12-person jury in Opelika, Ala., a more serious federal investigation is in its final stages in Chicago. Agents Norby Walters and Lloyd Bloom and about 60 athletes they dealt with have been the focus of an 11-month investigation by the FBI, the U.S. Attorney and a grand jury.

According to sources, Walters and Bloom face possible charges of fraud, mail fraud, wire fraud, tax fraud, extortion and racketeering while the athletes face charges of fraud and income tax evasion. Some athletes will be indicted, sources said, but the majority are entering a pre-trial diversion program to avoid prosecution.

Bloom confirmed that he already has turned down an offer from Assistant U.S. Attorney Howard M. Pearl to plead guilty to one count of mail fraud and have all other charges dropped in exchange for his testimony against Walters. Bloom was told he likely would have to serve a minimum 16-month prison term if he pleaded guilty to the one count of mail fraud.

Pearl and U.S. Attorney Anton Valukas of Chicago have refused to comment on the Chicago investigation. Alabama Attorney General Don Siegelman has said, "We may not get a direct hit, but at least they (agents) will know they've been shot at."

Siegelman also got a grand jury to indict Walters and Bloom for dealing with former Alabama basketball player Derrick McKey. Walters and Bloom were indicted on the same charges as Abernethy. Arraignment of Walters and Bloom in Tuscaloosa County is set for March 16. However, federal prosecutors in Chicago have ignored efforts by Siegelman and his assistants to exchange information on Walers and Bloom, sources said.

Regardless, the message is this: Agents' practices that might previously have been considered unethical at worst now are being considered crimes. Jail could be the next step.

"This thing has gone to another level," said Jack Mills, a Colorado sports agent. "If there are laws that fit the situation of agents signing athletes early, I think it's good that agents are being prosecuted. If it's a deterrent, I'd feel good about that."

The agent issue has become an emotional one, said Mills. Many agents applaud the intervention of prosecutors. But even those in favor of punishment are leery of the ground that is being broken.

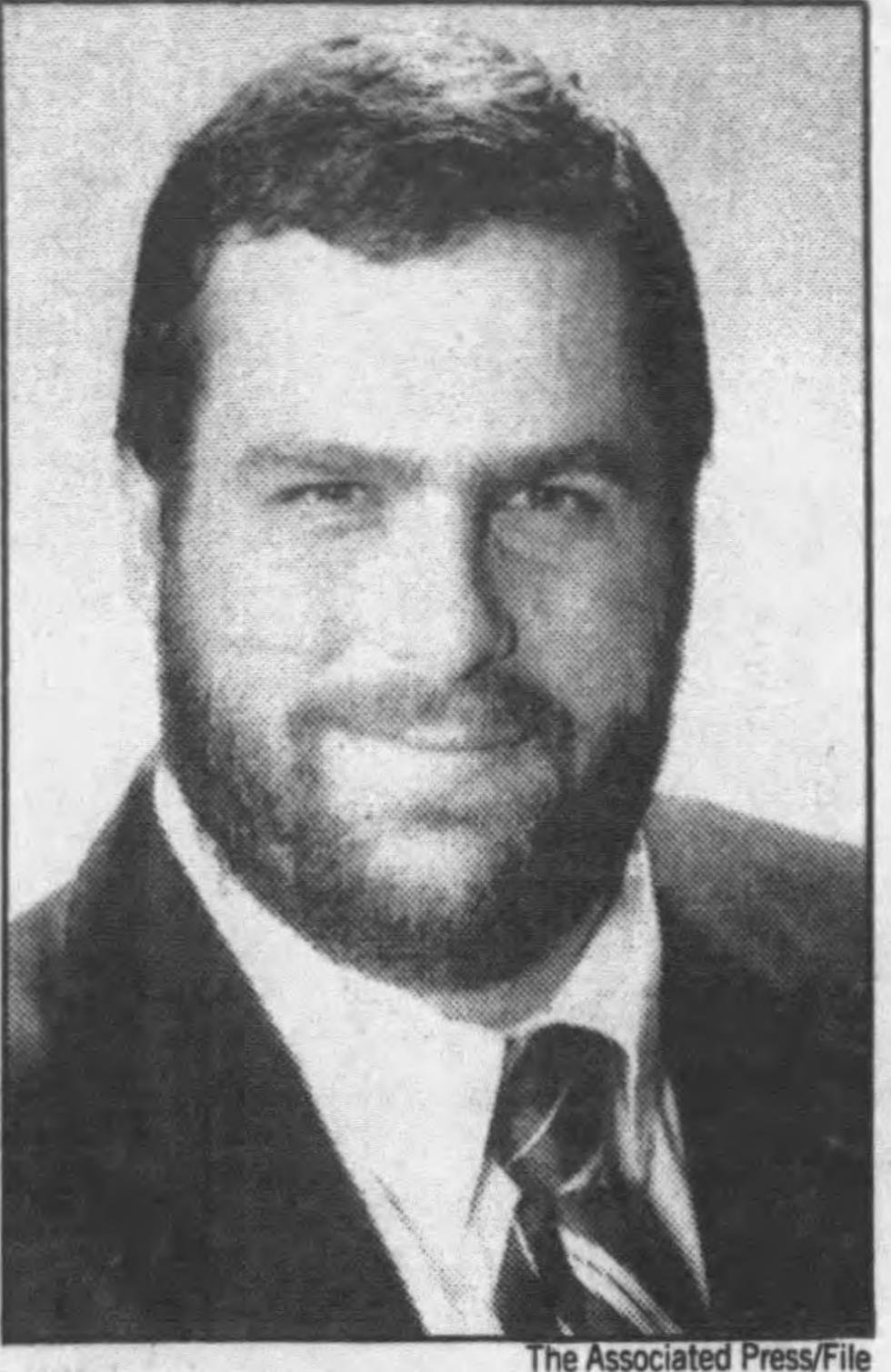
"Something needs to be done, but it's a typical over-reaction," said David Ware, an Atlanta-based attorney and agent. "Instead of focusing attention where it should be — eliminating the need for an athlete to take money from an agent — they focus on the opposite side. You end up putting a bandaid on a

Ware nevertheless believes agents should not go unchecked because, he said, "There has to be some deterrent to people who ruin a kid's career by signing him early. You rob him of a certain portion of his youth he can't get back. There's no overcoming the embarrassment and shame an athlete faces in having been discovered defrauding his university, his alma mater."

Ware said state laws are not a strong enough deterrent against agents pursuing college athletes.

"The way the state laws are being written, it's only a crime if you're caught while the player is still in school," said Ware. "If they really wanted to make a statute with teeth, it should be a criminal offense to deal with a kid early, regardless of when it is discovered ... with some reasonable statute of limitations."

Ware also worries that state laws will fur-



Sports agent Ralph Cindrich says the case of Jim Abernethy, above, is different from that of agents Norby Walters and Lloyd

ther encourage agents to start rumors against rival agents, prompting unneessary investigations that are made public.

"It could be the case of being found innocent, but your reputation, and thus your business, has been damaged because of a competitor," said Ware.

In the cases of Abernethy, Walters and Bloom, no state laws specifically dealing with agents were on the books at the time they were charged or investigated. They have limited sympathy from their rivals.

"Norby was the first, and he had no warning, really," said Pittsburgh-based agent Ralph Cindrich. "What he and Bloom were doing was wrong, but they certainly had no idea that they could face potentially crippling federal

"Abernethy's case is different. What's going on in Alabama nowhere nears the seriousness of the Chicago investigation. But as that investigation was underway, I can remember Abernethy standing up and criticizing Walters and Bloom while he was doing the same thing. And he knew at that time that they were being investigated, so maybe in theory he's more accountable."

The bottom line, Cindrich said, "is that every agent in the country now know it's a different ballgame. I don't think there's any question there has been a dramatic effect and fallout. And anybody who proceeds in signing athletes early, giving them money, now knows the consequences. You would have to be pretty ignorant not to know the seriousness of that

## Two Aussies ride high in NASCAR qualifying runs

By Ed Hinton Staff Writer

MELBOURNE, Australia - The Australian drivers - road-course and dirt-track specialists - had seemed game enough, just for giving American-style stock-car racing a go. But they'd been given virtually no chance of stealing any thunder from the NASCAR drivers who crossed the Pacific this week to transplant their sport.

However, Saturday, two Aussies removed their overlander hats, strapped on helmets and wowed their countrymen.

Alan Grice of Maitland, New South Wales, and Robin Best of Westbury, Tasmania, surprised even themselves by taking the secondrow starting positions for Sunday's Goodyear NASCAR 500, the first superspeedway stock-car race ever run outside North America.

One they didn't surprise was Neil Bonnett, who won the pole as expected and was joined on the front row by fellow Alabamian Bobby Allison.

"It didn't surprise me a bit that they ran this well," Bonnett said. "These guys have driven a lot of practice laps on this track (the new 1.12-mile Thunderdome oval)."

Further, Bonnett had watched last May as Grice, a veteran sportscar racer, went without fanfare to Charlotte, N.C., to compete in his first NASCAR race.

"A very good job at Charlotte," Bonnett said. "We had a lot of good American teams that didn't make the field for the Coca-Cola 600 there, but Alan did."

Mechanical troubles at Charlotte kept Grice from finishing the race, but the consensus among American drivers was that he'd taken to superspeedway techniques and the heavier cars smoothly in his first outing — the kind of praise the stock-car racers have rarely bestowed on American "sporty-car boys," as they call them, who've attempted the transition.

Best, a dirt-track, sprint-car specialist nicknamed "The Tasmanian Devil," also spent time in the United States learning the basics of the "thunderers," as Australians call American stock cars.

Best worked in the shop of the legendary driver turned builder Junior Johnsn in Ronda, N.C., and served on Johnson's pit crews, "doing everything from mounting tires to hauling gasoline," he said. Under Johnson, "I learned how to put the cars together myself."

He sold all his sprint-car equipment to get enough money to buy one of Johnson's Winston Cup cars, the Chevrolet he has brought here.

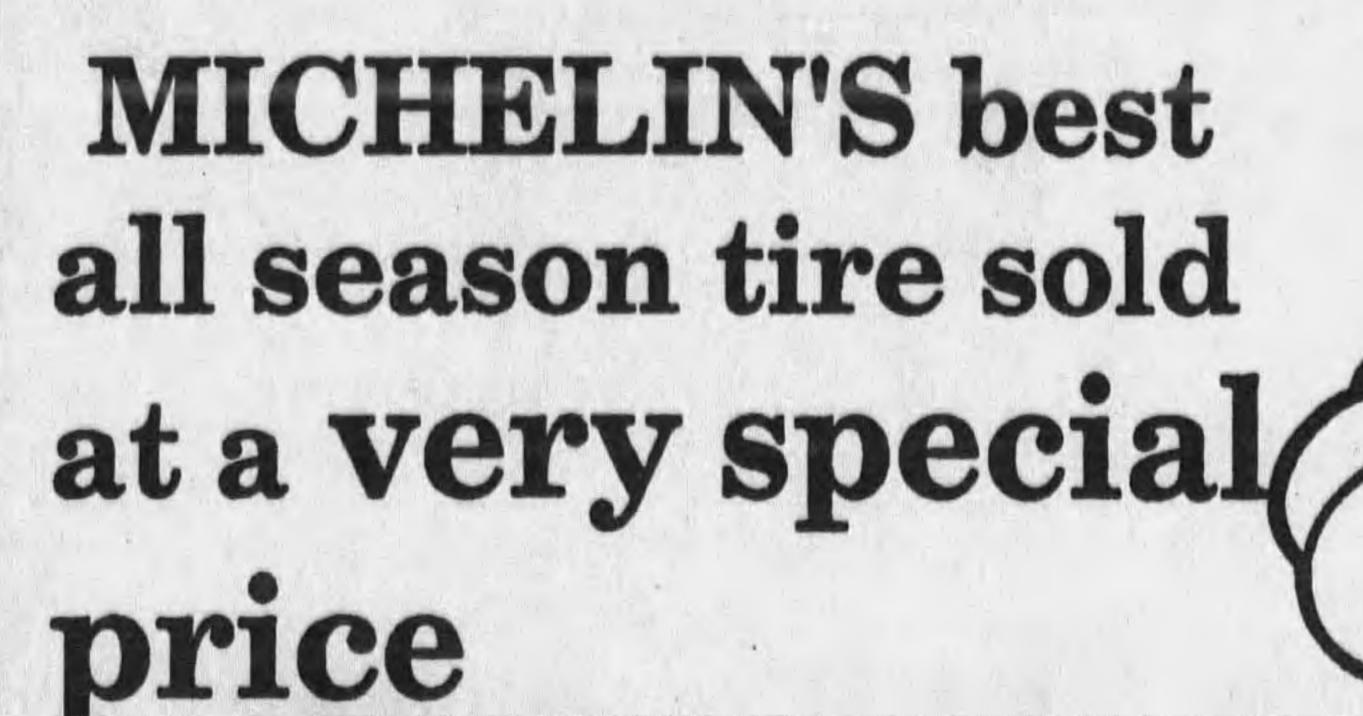
Grice and Best were close to Bonnett and Allison with their qualifying speeds. Bonnett averaged 140.483 mph in a Pontiac, and Allison did 140.396 in a Buick. But along came Grice at 139.795 in an Oldsmobile and Best at 139.233 in the Johnson-built Chevy.

Grice felt, however, the Aussies would be seriously handicapped on Sunday by lack of knowledge of "the strategy of the race itself. When do you change four tires, and when only two? When do you pit under caution, and when do you stay out on the track? All these things. The American teams know. We don't."

Bonnett expressed little concern about the prospect of racing closely through Thunderdome's tight turns against the Aussies, who are quite inexperienced at fenderbanging racing in heavy traffic.

"Hey, I've raced in the Daytona 500 against people I didn't know very well," Bonnett said. "The way I see it, anybody who's able to make the field deserves to be here.

"You don't make an A.J. Foyt in one race," Bonnett continued. "Everybody has to start somewhere. I'm sure I scared the hell out of a lot of veterans my first time out in a NAS-CAR race."



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