

FEDS: PAY UP, TRUDEAU

IPT founder loses \$37M appeal; Atlas Billiard Products fined for ivory exports.

Chicago, Ill.

THE ONGOING battle between Kevin Trudeau, infomercial kingpin and founder of the now-defunct International Pool Tour, and the Federal Trade Commission took its latest turn in late 2010. And this twist isn't so sweet for the pitchman-turned-bestselling author.

In a Nov. 29 decision, the 7th U.S. Circuit Court of Appeals upheld a lower court ruling that Trudeau must pay a \$37.6 million fine. The fine was originally imposed in 2009, when U.S. District Judge Robert Gettleman found Trudeau in violation of a prior agreement that barred him from misrepresenting the content of his books through infomercials. The judge stated that Trudeau misled consumers about the efficacy and simplicity of the program in "The Weight Loss Cure 'They' Don't Want You to Know About."

That original fine, however, was thrown out by the same 7th District Court in 2009, claiming that Gettleman did not clearly explain how he reached a figure of \$37.6 million. It was later reinstated when Gettleman explained that he reached the dollar figure by multiplying the price of the book by the number of sales made through the toll-free number plus the cost of shipping, and minus all returns.

In denying Trudeau's latest appeal, Judge John Tinker wrote that Trudeau "should not now be surprised that he must pay for the loss he caused. The government is not impotent to protect consumers — nor is the court powerless to enforce its orders — by imposing narrowly tailored restrictions on commercial speech.

While the latest decision is a blow to Trudeau's case, this is not the first time he's been reprimanded by the court. Most recently, Trudeau crossed Gettleman in February 2010 when the infomercial star used his Internet radio show and website to urge supporters to email the federal judge directly. Trudeau offered the judge's private email address, after which hundreds of emails flooded Gettleman's blackberry causing it to shut down.

Gettleman responded by finding Trudeau in contempt of court (again) and sentencing him to 30 days in prison, a sentence that was later stayed.

In years since his protracted battle with the FTC began, Trudeau portrayed himself as a defender of free speech, a warrior for the First Amendment who is

standing up to a judicial system that is trying to keep him quiet. He has also mentioned a possible run for Congress.

► ATLAS FINED \$150K FOR ILLEGAL IVORY

Chicago, Ill.

IT WAS a rough start to the year for at least one member of the billiard industry. Atlas Billiard Products, a division of Atlas Fibre Company, found itself on the hook for a hefty fine from the U.S. Fish and Wildlife Service. The Skokie, Ill.-based supplier of cuemaking products was ordered to pay a fine of \$150,000 for selling products containing African elephant ivory and other materials from endangered species.

According to the Department of Justice, Atlas sold 61 pieces of African elephant ivory to a customer in Japan in October 2006 without the proper U.S. export permits. Additionally, Atlas intentionally removed all reference to ivory in the \$3,000 shipment in an attempt to avoid scrutiny from Japanese customs officials.

Atlas, charged in December criminal complaint filed in U.S. District Court in Chicago, pleaded guilty on Jan. 10 and was immediately issued the hefty fine. The company was also put on probation for one year.

"Failing to obtain necessary export permits is not merely a technical violation of the law," said Patrick J. Fitzgerald, U.S. Attorney for the Northern District of Illinois, in the release. "It is a crime to intentionally export protected wildlife parts and products without a permit to ensure that we protect, not profit from, threatened or endangered species."

The Department of Justice also discovered on more than 200 occasions, Atlas exported products from protected wildlife species between 2002 and 2009. The total value of material — including monitor lizard leather, abalone shell products and kangaroo leather — in these instances topped \$108,000.

In addition to the \$150,000 fine, which will be paid to the Fish and Wildlife Service's Lacey Act Reward Fund, the court ordered Atlas to pay \$12,273 in restitution and \$1,428 in funds the agency used to purchase illegally shipped products.

Atlas Billiard Products did not respond to requests for comment.

MASTERS PAYOUT FALLOUT

Behrman promises payments to top finishers; Mosconi Cup points list tweaked.

Chesapeake, Va.

THE FIRST time promoter Barry Behrman organized a spring companion to his long-successful U.S. Open 9-Ball Championship, things didn't work out exactly as planned. Held in April 2001, the Masters 9-Ball Championship failed to attract the expected interest from both players and spectators. Behrman lost nearly \$50,000, while the top dozen players departed owed upwards of \$40,000.

Unfortunately for the top eight finishers at Behrman's 2011 Masters 10-Ball Tournament — held March 1-5 at the U.S. Open's home in the Chesapeake (Va.) Conference Center — this year's event ran according to a nearly identical script. The \$25,000-added tournament attracted just 57 players, while the gate fell well short of expectations. As a result, Behrman issued post-dated checks to the top octet, who were in line to earn \$41,000.

"I'm very sorry it had to be this way for the eight players involved, but I'm doing the best I can," Behrman said. "And for over 38 years [I] have tried to do just that — my very best for the players."

Behrman cited a number of reasons for the Masters underwhelming attendance, both in the number of participants and spectators: the World 8-Ball Championship and U.S. Bar Table Championships, held the week prior, kept some players away; the scheduling of a concurrent American Poolplayers Association event prevented amateurs from attending; and fans were reluctant or unable to make a second trip to the Chesapeake area (after the U.S. Open) for a long weekend sweating matches.

Considering the problems of a decade ago, how would the players react to leaving Chesapeake empty-handed? Pretty amicably, actually.

Johnny Archer — president of the newly organized players group, the Association for Billiard Professionals — stated that he "commiserates" with Behrman, while having "no reason to believe that [the post-dated checks] will not be good."

Ralf Souquet, who received a small portion of his \$7,000 for a second-place finish at the Masters in cash, has a check for the balance, which he intended to deposit after returning to the U.S. on April 19.

"The turnout wasn't as good as expected and that's a problem that Barry might [have] miscalculated," he said. "You should never count on money from the gate in order to pay prize money. The prize money should be guaran-

teed, no matter how many players and spectators show up."

Still, Souquet expressed no intention of skipping October's U.S. Open — as long as Behrman makes good on the owed money.

"Barry has always paid his dues, so I don't see any reason for not attending the U.S. Open in October," Souquet said. "Of course, the situation is never ideal if the players don't get paid in time. ... [But] I try to see the situation from the promoter's side as well."

Behrman stated he fully intends to hold a Masters event in 2012.

► MATCHROOM ADJUSTS U.S. RANKINGS

Essex, United Kingdom

MATCHROOM SPORT, the promotions firm behind the Mosconi Cup, has announced a major change its newly installed rankings system, which will be used to select three players from both the American and European sides.

The American points list, formerly scheduled to be a combination of eight domestic events and four international tournaments, has been trimmed to 10 events. The four international events (the Beijing Open, World Pool Masters in Manila, World 9-Ball Championship in Qatar and China Open) have been replaced by two double-elimination stops on the Florida-based Seminole Pro Tour.

Considering the significant financial burden assumed by many American pros to travel and compete in Asia, the change will be welcomed by many Mosconi Cup hopefuls who are not fixtures in international events.

"Initially we felt that 'international' events were important in the grand scheme of things," said Matchroom's Luke Riches. "However, after discussions, it became apparent that, for a variety of valid reasons, the willingness of American players to travel to the Middle East and Asia was very limited."

Additionally, the points list will omit each player's poorest performance, so rankings will actually be an accumulation of nine of ten tournaments. Considering September's Turning Stone Classic, a points event, clashed with Matchroom's World Cup of Pool, this tweak will allow the two Americans selected for the World Cup event to compete without being disadvantaged in the Mosconi Cup rankings.

WPBA MIRED IN UNCERTAINTY

Women's tour leadership, players at odds; Mosconi Cup heads back to York Hall.

Alpine, Calif.

ONCE A beacon of cohesiveness and stability in the otherwise fractured world of professional pool, the Women's Professional Billiard Association now appears to be facing significant challenges both economically and internally.

In 2009, the WPBA was forced to trim its Classic Tour schedule from seven events to six due to sponsorship shortfalls and a lack of venues. And, to date, the 2010 WPBA tournament schedule consists of just two events, the fewest since 1993, the year before the launch of the Classic Tour.

Perhaps even more unnerving, cracks are starting to show in the association's previously impenetrable one-for-all and all-for-one armor. A contentious players meeting prior to the start of the San Diego Classic in Alpine, Calif., resulted in an uncharacteristic public airing of criticism and complaints. The WPBA has a history of keeping its internal disputes within the meeting room walls. But details from the players meeting at the Viejas Casino quickly found their way onto industry Web sites and discussion forums.

According to numerous players and board members, newly elected WPBA president John Rousseau was the lightning rod for the meeting's fireworks. Rousseau, an Arizona businessman, was elected to the WPBA board in November 2009 along with four other non-playing friends of the game, Mimi McAndrews, a Florida attorney; Tamre Rogers, a sales and marketing manager; Tim DiMacchia, a software engineer; and former men's pro Paul Brienza. They were joined on the board by WPBA then-president Dawn Hopkins and fellow pro Belinda Calhoun. Pro player Melissa Herndon agreed to an appointment as the board's seventh director. Rousseau was elected president in January after Hopkins resigned for personal reasons. DiMacchia also resigned, as did Brienza. Neither could be reached for comment. WPBA Administrator Anne Craig resigned as well, citing "a difference in business philosophies with the current board."

According to several players who attended the meeting, questions arose regarding a perceived lack of documentation from board meetings, lack of adherence to bylaws and a lack of protocol. A heated exchange allegedly ensued, and Rousseau and Rogers were asked to leave the room for a players-only meeting. Calhoun and Herndon remained in the room, and Herndon later resigned from her appointed board spot. In a subsequent players-only meeting two days later, Jeanette Lee, a longtime Rousseau friend, addressed questions on behalf of the absent directors.

The criticism and infighting have left the WPBA board and membership in an awkward position. According to Calhoun, the membership has mandated that the board fill the four empty seats, and subsequently hold an election of officers and appoint committees.

"There is a learning curve for people who haven't been on the board," said Calhoun. "But I think the willingness to learn is there."

When contacted for comment, Rousseau said, "I really don't want to respond until I know what I'm going to do. I want to make sure that the ladies are not going to be hurt by my being president. I know I can help. I'm sick of the ladies not making enough money, and I think I can help change that."

"I think that because of the doubt surrounding the Tour right now, everyone is on edge," said Lee. "But I believe each director is doing what they think is best for the WPBA. We're in a vulnerable position right now. We need everyone's support. We need to support this board. There aren't a lot of people banging down the door to put all the time into this like these directors are."

► MOSCONI CUP RETURNS TO LONDON

Essex, United Kingdom

THERE'S NO place like home — especially when home is an arena jammed full of pool fans screaming for you to bring home the 2010 Mosconi Cup.

According to a March 8 press release from event promoter Matchroom Sport, this year's Mosconi Cup — scheduled for Dec. 9-12 — will be held on familiar turf at London's York Hall, which hosted the transatlantic tilt for six years from 1997-2002.

The return to York Hall, which has undergone a multimillion-dollar renovation since it last hosted the contest eight years ago, should be welcome news to the European squad, fresh off an upset loss to the underdog Americans at the 2009 Mosconi Cup.

"I love the fact that we are going back to the York Hall," said world No. 1 Mika Immonen, who has made 13 appearances for Team Europe. "What could be a more perfect setting for the Mosconi?"

Matchroom chairman and Mosconi Cup promoter, Barry Hearn hopes to recreate the raucous atmosphere that made the East London boxing venue such a magnetic setting.

"The York Hall has a special place in the history of the Mosconi Cup and it's fair to say that, at times, it was the game's most intimidating arena," he said.