

Fixing MMA: The Ongoing Insider Betting Scandal

By Brad Rossiter

In the weeks following a preliminary bout between Darrick Minner and Shayilan Nuerdanbieke, the FBI has begun investigating suspicious betting activity surrounding the fight, numerous suspensions have been levied by the UFC and state athletic commissions, and UFC President, Dana White, has acknowledged that “[f]ight fixing is now a ‘huge concern’ for the UFC.”¹ This comment comes shortly after White attempted to downplay the incident remarking that “there's absolutely no proof that [anybody] did anything wrong.”² While it is uncertain whether anything illegal occurred, the optics of potentially having a fight fixed are concerning for a sport still seeking mainstream popularity. Additionally, this incident illustrates the issues presented by legalized sports betting without stronger insider betting prohibitions.

Since SCOTUS overturned the federal ban on sports gambling roughly 80 percent of states have legalized sports betting.³ Perhaps no one has taken greater advantage of this opportunity to supplement their income than fighters and their coaches. Unlike other athletes, fighters are paid only after they fight which can exacerbate the need to seek other revenue streams.⁴ This has led many fighters to bet on themselves as well as on other fights.⁵ For example, James Krause, UFC fighter and Minner’s head coach, said that he bets on almost every

¹ Marc Raimondi, *Dana White: Fight Fixing ‘Huge Concern’ for UFC amid Investigations*, ABC NEWS (Dec. 10, 2022, 8:19 AM), <https://abcnews.go.com/amp/Sports/dana-white-fight-fixing-huge-concern-ufc-amid/story?id=94931971>.

² *Id.*

³ Karim Zidan, *UFC Has Been Rocked by a Betting Scandal. And It’s a Self-Inflicted Wound*, The Guardian (Dec. 9, 2022), <https://www.theguardian.com/sport/2022/dec/09/ufc-has-been-rocked-by-a-betting-scandal-and-its-a-self-inflicted-wound>.

⁴ Zidan, *supra* note 3.

⁵ Marc Raimondi, *New UFC Policy Prohibits Fighters from Wagering on Promotion’s Fights*, ABC NEWS (Oct. 17, 2022, 9:29 PM), <https://abcnews.go.com/amp/Sports/ufc-policy-prohibits-fighters-wagering-promotions-fights/story?id=91650880>.

fight and that he “makes more money gambling on MMA than I do anything else.”⁶ This was all allowed under the UFC athlete code of conduct until last October when they informed fighters they could no longer bet on UFC fights.⁷ This is a step in the right direction for the UFC, but in contrast to other leagues this prohibition is very limited as there are still individuals with inside information that are not subject to the prohibition.⁸

The fight under investigation occurred a few weeks after this policy was implemented and shows that this policy still falls short. Shortly before the fight, multiple sportsbooks received a high degree of interest to bet that Minner would be knocked out within a round and that the fight would last under two and a half rounds.⁹ The fight began with Minner throwing a body kick, which led to an immediate grimace indicating his leg had been injured.¹⁰ Despite the apparent injury, he decided to throw another kick before being knocked down and losing the fight by technical knockout in just over a minute.¹¹ This outcome paired with the large bets for this exact result leads one to question whether the fight was fixed. Furthermore, this approach was curious from Minner as he is known as a wrestler furthering the concern of a potential fix.¹²

In a letter to their fighters the UFC noted that some states prohibit anyone with inside information from wagering on that event.¹³ Many states have implemented regulations with most being designed to require the sportsbooks trying to prevent such insider betting. For example, in West Virginia the sportsbooks must report suspicious betting activity, which includes misusing

⁶ Zidan, *supra* note 3.

⁷ Raimondi, *supra* note 5.

⁸ Zidan, *supra* note 3.

⁹ Raimondi, *supra* note 1.

¹⁰ *Id.*

¹¹ *Id.*

¹² See Ken Hambleton, *MMA: Nebraska City's Minner Looks for Sixth Straight Win*, LINCOLN JOURNAL STAR (Dec. 2, 2016), https://journalstar.com/sports/local/other-sports/mma-nebraska-citys-minner-looks-for-sixth-straight-win/article_857db070-879d-5679-9bd2-51ba95c26607.html.

¹³ Raimondi, *supra* note 5.

insider information, to a state commission to investigate.¹⁴ This seems like a logical way to try and mitigate this issue, but when one thinks about how large this web can become this becomes a seemingly insurmountable task. While it would be relatively easy to prevent the fighter from placing a bet, what about a third cousin?

It is yet to be seen whether there was impermissible insider betting that occurred regarding this fight. However, this incident demonstrates the need for states, or the federal government, to explicitly make it illegal for those in possession of insider information to bet on that event punishable by fine or imprisonment instead of solely requiring the sportsbooks to try and prevent these wagers. Such legislation had previously been sponsored by Senators Hatch and Schumer, but this failed to get through the Senate Judiciary Committee.¹⁵ In light of this incident, now is the time to reintroduce such legislation.

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¹⁴ W. VA. CODE R. § 179-9-2-30 (2022); W. VA. CODE ANN. § 29-22D-12(a)(1) (West 2022).

¹⁵ S. 3793, 115th Cong. § 302(b) (2018).