

1 PRIVILEGED AND CONFIDENTIAL ATTORNEY WORK PRODUCT

2 OFFICE OF THE COMMISSIONER  
3 MAJOR LEAGUE BASEBALL  
4 350 PARK AVENUE  
5 NEW YORK, NEW YORK

6 -----  
7 In the Matter of: :  
8 Peter Edward Rose, Manager, :  
9 Cincinnati Reds Baseball Club :  
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Deposition of JAMES E. PROCTER taken in  
Cincinnati, Ohio, on April 12, 1989, at 3:00 o'clock p.m.

APPEARANCES:

JOHN M. DOWD, Esq.  
Special Counsel for the Commissioner  
Heron, Burchette, Ruckert & Rothwell  
Suite 700  
1025 Thomas Jefferson Street, N.W.  
Washington, D.C. 20007

Gary L. Baldwin  
Certified Verbatim Reporter/Notary Public  
P. O. Box 39254  
Cincinnati, Ohio 45239  
513-662-1121

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P R O C E E D I N G S

1  
2 Whereupon,

3 JAMES E. PROCTER

4 having been first duly sworn, was called as a witness  
5 herein, was examined and testified as follows:

6 EXAMINATION

7 BY MR. DOWD:

8 Q Would you state your entire name for the  
9 record, please?

10 A James Edward Procter.

11 Q And how old are you, Jim?

12 A Twenty-seven.

13 Q And would you give me your address and  
14 telephone number?

15 A 11755 Norbourne Drive --

16 Q Spell that.

17 A N-o-r-b-o-u-r-n-e, Apartment 310. Phone  
18 number is 825-7340.

19 Q Is that Cincinnati, Ohio?

20 A Yes, I'm sorry.

21 Q And the Zip Code?

22 A 45240.

23 Q And would you give me your date and place  
24 of birth?

25 A 4-16-61, Cincinnati, Good Samaritan

1 Hospital.

2 Q Jim, I represent the Commissioner of Major  
3 League Baseball. And I've been authorized and retained by  
4 him to conduct an inquiry of Cincinnati Reds Manager Pete  
5 Rose.

6 And I want to tell you on behalf of the  
7 Commissioner, this deposition, this sworn statement I'm  
8 taking today, is confidential until the Commissioner  
9 decides otherwise. And he would only decide otherwise  
10 depending upon the outcome of the matter.

11 A copy of this deposition will always be in  
12 my office. And if you ever have a need to see it, I will  
13 arrange for it to be delivered out here so you can see it.

14 In the event the Commissioner needs to make  
15 all or a portion of your deposition public, again,  
16 depending on the outcome, we'll call you and let you know  
17 so you're not surprised.

18 A Okay.

19 Q And the best I can commit to you is  
20 consulting with you. As you know, the Commissioner has an  
21 obligation to the game of baseball and to all the people  
22 that support the game. And if he has to make a report to  
23 the public, then he may have to make some of this  
24 information available.

25 I will tell you that he is sensitive and I

1 am sensitive to your right of privacy and other people.  
2 And so we will let you know beforehand if something is  
3 going to occur. Again, asking you to keep it confidential  
4 so that we're fair to everybody involved, all the interests  
5 involved. And that's really the primary objective.

6                   Second, I want to tell you on behalf of  
7 Commissioner Giamatti that we appreciate your taking the  
8 time to cooperate with us. You're not part of baseball; we  
9 don't have any jurisdiction over you at all. And I take it  
10 that you're appearing here voluntarily?

11                   A           Sure.

12                   Q           And you've previously cooperated with us in  
13 furnishing information.

14                               Now, how are you employed, Jim?

15                   A           Through a home health agency.

16                   Q           I'm sorry?

17                   A           Home health -- a home health care company;  
18 Primedica.

19                   Q           And how do you spell that?

20                   A           P-r-i-m-e-d-i-c-a.

21                   Q           And what does that company do?

22                   A           We do home health care. When a patient is  
23 being discharged or released from a hospital, we set them  
24 up on the equipment, what they would normally have in the  
25 hospital.

1 Q Sort of out-patient work?

2 A Sure. Yes, just cut the insurance cost.

3 Q Okay. Can you tell me a little bit about  
4 where you were raised and something about your family and  
5 where you were educated?

6 A I went to Mount Healthy High School and I  
7 graduated in '79 and I grew up in Cincinnati.

8 Q And are there any other members of your  
9 family?

10 A I've got three sisters; one brother.

11 Q So you're one of five children.

12 A Right.

13 Q Are you the oldest or youngest?

14 A Second to the youngest.

15 Q Have you ever been convicted of a crime?

16 A No.

17 Q And you've never had your deposition taken  
18 before?

19 A No.

20 Q But you do understand your oath to tell --

21 A Yes.

22 Q -- the truth, the whole truth and nothing  
23 but the truth?

24 A Uh-huh.

25 Q Have you been in any way promised anything

1 or coerced to give the information you're giving today?

2 A No. No.

3 Q Do you have any understanding with the  
4 Commissioner or anybody else connected with this inquiry?

5 A No.

6 Q All right. Do you know a gentleman by the  
7 name of Paul Janszen?

8 A Yes.

9 Q And when did you first come to know him?

10 A Back in 1980, '81.

11 Q And where did you come to know him?

12 A Mendenhall's Fitness Center.

13 Q Were you a close friend of Paul Janszen?

14 A I became a close friend.

15 Q Are you familiar with a place called Gold's  
16 Gym?

17 A Yes.

18 Q Tell me how you're familiar with it.

19 A I joined there in '84 and I have been there  
20 ever since. Up to date now.

21 Q Okay. Did you know a gentleman by the name  
22 of Tommy Gioiosa?

23 A Yes.

24 Q And how did you -- did you know his full  
25 name or did you just know him by --

1 A I always knew him as Gio.

2 Q G-i-o?

3 A Uh-huh.

4 Q Okay. And what was Mr. Gioiosa's

5 occupation, to your knowledge?

6 A Well, I knew him as a part owner in the  
7 Gym, supposedly, for a while.

8 Q That's what you were told?

9 A Right.

10 Q Okay.

11 A And there was tons of different stories.  
12 But I've always seen him at the front desk and then I heard  
13 he was a bookie.

14 Q Okay. Did you ever hear him taking bets?

15 A No.

16 Q Did you know someone named Mike Fry?

17 A Yes.

18 Q And who is Mike Fry to your knowledge?

19 A He was the owner of Gold's Gym.

20 Q I'm sorry?

21 A He was the owner of Gold's Gym.

22 Q Okay. Let me finish my question before you  
23 answer so he's not getting both of us talking at the same  
24 time.

25 Did you know a fellow named Don Stenger?

1 A Yes.

2 Q And what was Stenger's occupation, to your  
3 knowledge?

4 A He was also supposedly part owner of the  
5 club.

6 Q Do you know whether any of these gentlemen  
7 I've just mentioned were associated with Pete Rose, the  
8 Manager of the Cincinnati Reds?

9 A Yes.

10 Q And can you tell me who and what you know  
11 about that?

12 A Okay. The only association I knew was that  
13 -- well, they drove fancy cars for one. I mean Don had  
14 like an M-1 BMW and Tommy drove a BMW and then a Porsche.  
15 And every time that someone would ask where they got those  
16 cars, they were a gift from Pete. They were bodyguards for  
17 Pete.

18 Q Okay.

19 A And at the time you just believed it.

20 Q Were you close friends with any of these  
21 gentlemen or were they just acquaintances at the Gym?

22 A Acquaintances.

23 Q I want to direct your attention to the  
24 spring of 1987 and ask you if you recall running into Paul  
25 Janszen outside Gold's Gym.



1 A Yes.

2 Q Will you tell me in your own words, tell  
3 the Commissioner in your own words, what happened when you  
4 ran into Paul Janszen?

5 A It was, I would have to say, between 5:00  
6 and 7:00 p.m.; it was in the spring. And I was either  
7 arriving or leaving my car, one of the two, and I ran into  
8 Paul.

9 Q And where was he when you ran into him?

10 A In the parking lot. He just pulled in. He  
11 was just sitting there.

12 Q He was in his car?

13 A Uh-huh.

14 Q Okay. What kind of car did he have?

15 A He had an '87 Corvette, black.

16 Q Okay.

17 A And since I hadn't been hanging around him  
18 for quite a while, I sat down and we started talking and --

19 Q You climbed in his car?

20 A Yes. He said, "Get in." Because normally,  
21 like when we run into each other like that, we would maybe  
22 go get something to eat or run up the street and get  
23 something to drink, go through a drive-thru or something.

24 And my girlfriend hadn't arrived there yet.

25 And I went ahead and set down. As a matter of fact, she

1 showed up later. And I had started talking to him and he  
2 said, "Hold on a minute." And he started to place a call.

3 It was a lady's voice who answered and --

4 Q Was this a speaker phone that you could  
5 hear that?

6 A If it wasn't a speaker phone, he had the  
7 volume up awfully high.

8 Q All right.

9 A Because I heard it. I mean I heard the  
10 dial tone and everything. So I would assume it was a  
11 speaker phone.

12 Q Okay.

13 A He called the clubhouse; he asked, "Is Pete  
14 there?"

15 Q Clubhouse of --

16 A I would imagine down at the Stadium or  
17 something. I have no idea. And they said, "One moment,  
18 please." Came back, "He's busy." That was it; end of  
19 conversation.

20 And I won't swear to if I had heard the  
21 phone ring, but I heard another transaction between the two  
22 within like a minute's time, a minute to two minute's time.

23 Q So he could have redialed also?

24 A Right. Right. And --

25 Q You're just not sure whether he received a

1 call --

2 A No. That's what I'm saying.

3 Q -- or he redialed. Okay.

4 A But I had heard Pete's voice because I  
5 heard him --

6 Q Pete Rose's voice?

7 A Right.

8 -- make a statement -- do you want me to  
9 give you the statement?

10 Q Yes, please.

11 A Okay. Because he said, "Hey, Paul, you  
12 son-of-a-bitch." And I just thought, you know, you're on  
13 pretty good terms if somebody like that calls you something  
14 like that.

15 And he goes, "What's up?" And they started  
16 talking and he goes, "Are you ready?" And he said, yes.

17 Q Who said, "Are you ready"?

18 A Paul.

19 Q Okay.

20 A And he would read the teams off. I would  
21 hear, "Give me a dime on this; give me a dime on that".  
22 And I knew it was baseball, okay? For one because of the  
23 time of the year. And, two, at the time I knew what the  
24 teams were.

25 And they went on with that. And when that

1 was all through -- I kind of turned my head because it was  
2 like, I don't want him to sit here and think I'm nosing,  
3 you know, in on this.

4                   And at first I thought it was just to  
5 impress me. Like I said, since me and Paul weren't on good  
6 terms. And I was impressed.

7                   But after he hung up I looked over at him  
8 and I said, "You've got to be kidding me." I said, "Pete  
9 Rose is betting baseball."

10                   And Paul looked back over at me and said,  
11 "Yes." He goes, "Can you believe that?"

12                   And I just shook my head and I  
13 went...(indicating).

14                   I said, "Has he ever bet the Reds?" He  
15 said, "He never bet against them." And that was the only  
16 answer he gave me. And that was it.

17           Q           Were you surprised?

18           A           Very. Very, very.

19           Q           Other than telling us when we met with you  
20 on March 8th and telling us today, have you ever related  
21 this story to anybody else?

22           A           No. Other than Paul.

23           Q           Have you ever gone to meet a fellow named  
24 Ron Peters?

25           A           Yes.

1 Q Can you tell me about that?

2 A Paul supposedly was owed all this money.

3 This was when I wasn't even sure of what was going on. I  
4 just knew that this guy owed Paul some money. And he  
5 talked like he was just, you know, a friend. It was  
6 nothing to be worried about; go down and get shot at or  
7 anything like that.

8 And with my job, I could run in to  
9 somewhere like that and take two minutes of my time because  
10 I'm in that area. And Paul asked if I would stop off one  
11 day down in Franklin at a place -- this cafe or something  
12 like that.

13 Oh, I met him first, through Paul. I went  
14 down there and had lunch with them one day.

15 Q In Franklin?

16 A Yes. That was the first time I'd met him.  
17 And I heard them talking.

18 Q Was that Jonathan's Cafe?

19 A Right. Because I looked and I thought --  
20 because the first thing I thought was, this guy is a  
21 bookie? You know, he didn't impress me as what you would  
22 think a bookie would be like.

23 Q How old is he?

24 A I'd say -- I'm going to guess; 32.

25 Q Okay.

1 A 31.

2 Anyhow, after that meeting Paul had asked  
3 me to run down there a couple of times to pick up the  
4 money. And he wrote a note out saying you can trust Jim;  
5 Jim's not going to say anything. And I thought, well,  
6 sure, I'm not going to get in no trouble for this because  
7 I'm not doing nothing but picking something up and giving  
8 it to somebody.

9 Q Okay.

10 A So I had went ahead and taken the note  
11 down; went into the bar where one of the waitresses came  
12 over and I said, "Is Ron in?" And she said, "No, he's  
13 not." And I said, "Could you give him this?"

14 So I gave them the note and nothing  
15 happened. I told Paul; still no money. And I'm not sure  
16 if I did it one other time or not. I think that was it.

17 Paul had called me once in the middle of  
18 the night to go down and get it and I didn't do it.  
19 Because he said he knew he had it.

20 Q Did Paul ever tell you about a debt  
21 situation --

22 A Afterwards. Like recently. Like right  
23 when all this is just starting to go on.

24 He had said that --

25 Q Well, not back then in '87?

1           A           No. As far as I understood, it was Paul's  
2 money. And I didn't know anything about Pete owing this  
3 other guy. And now it's told to me that Ron Peters owed  
4 Pete Rose like \$40,000, okay?

5                       And Pete owed Paul Janszen the same amount.

6           Q           I see. But this is something that --

7           A           That Pete said to go ahead and pick it up  
8 through Ron.

9           Q           Okay. But this is something that Paul told  
10 you?

11          A           Yes. Yes.

12          Q           In other words, you didn't fully understand  
13 why Paul was asking you to pick up that money?

14          A           No.

15          Q           And so this year he explained to you what  
16 that was all about?

17          A           Right.

18                       MR. DOWD: Okay. Well, I have nothing  
19 further. I want to thank you again very much.  
20 You're very kind to come by and visit with us.

21                       THE WITNESS: You're welcome.

22                       (Whereupon, at 3:13 o'clock p.m. the  
23 deposition was concluded.)

24                       - - - - -


25

C E R T I F I C A T E

1  
2 STATE OF OHIO )  
3 COUNTY OF HAMILTON ) SS.

4 I, Gary L. Baldwin, the undersigned, a duly  
5 qualified and commissioned Notary Public within and for the  
6 State of Ohio, do hereby certify that before the giving of  
7 his aforesaid deposition the said JAMES E. PROCTER was by  
8 me first duly sworn to depose the truth, the whole truth  
9 and nothing but the truth; that the foregoing is the  
10 deposition given at said time and place by the said JAMES  
11 E. PROCTER; that said deposition was taken by me in  
12 stenomask and transcribed by me into typewriting; that I am  
13 neither relative of nor attorney for any of the parties for  
14 this cause, nor relative of nor employee for any of their  
15 counsel and have no interest whatever in the result of this  
16 action.

17 IN WITNESS WHEREOF, I hereunto set my hand  
18 and official seal of office, at Cincinnati, Ohio, this 13th  
19 day of April, 1989.

20   
21 \_\_\_\_\_  
22 Gary L. Baldwin  
23 Notary Public, State of Ohio

24 My Commission expires:  
25 February 26, 1993