

APA-2
11/96

Alabama Boxing Commission

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Boxing Commission

RULE NO. & TITLE: 165-X-10 Functions of Commission

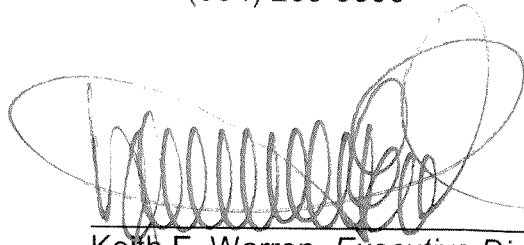
INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION: The Board proposes to promulgate rules pertaining to investigative committee functions and disciplinary procedures for licensees.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Written comments will be received by the Board until 4:30 p.m. on Monday, December 5, 2011. Comments should be directed to Keith E. Warren, Executive Director, at 610 S. McDonough Street, Montgomery, AL 36104 or via electronic mail at keith@warrenandco.com or via telephone at 334-269-9990.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:
Monday, December 5, 2011.

CONTACT PERSON AT AGENCY: Keith E. Warren
Executive Director
610 S. McDonough Street
Montgomery, AL 36104
(334) 269-9990



Keith E. Warren, *Executive Director*
Alabama Boxing Commission

APA-1
11/96

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control _____ Department or Agency: Alabama Boxing Commission

Rule No.: 165-X-10

Rule Title: Functions of Commission

_____ New Amend _____ Repeal _____ Adopt by Reference

Would the absence of the proposed rule significantly
Harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's
Police power and the protection of the public health,
Safety, or welfare? Yes

Is there another, less restrictive method of regulation
Available that could adequately protect the public? No

Does the proposed rule have the effect of directly or
Indirectly increasing the costs of any goods or services
Involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public
Than the harm that might result from the absence of
The proposed rule? No

Are all facets of the rulemaking process designed solely
For the purpose of, and so they have, as their primary
Effect, the protection of the public? Yes

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be
accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-
22-23, Code of Alabama, 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the
requirements of Chapter 22, Title 41, Code of Alabama, 1975, and that it conforms to all
applicable filing requirements of the Administrative Procedure Division of the Legislative
Reference Service.

Signature of certifying officer  _____

Date: October 20, 2011

(DATE FILED)
(STAMP)

**CHAPTER 165-X-10
FUNCTIONS OF A COMMISSION**

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165-X-10-.01 Functions of Commission.

(a) The commission shall have and exercise sole discretion, management, control, and supervision over all professional boxing and professional mixed martial arts matches in the state of Alabama.

(b) The commission shall have and exercise sole discretion, management, control, and supervision over all amateur mixed martial arts sanctioning organizations in the state of Alabama.

(c) The commission shall enforce such rules and regulations as shall be necessary or proper for the holding of professional boxing and professional mixed martial arts matches in the state of Alabama.

(d) It is within the commission's power and authority to prescribe and enforce penalties for any violations of these rules or the statute governing the regulation of professional boxing and professional mixed martial arts in the state of Alabama, subject to judicial review.

(d) Up to four seconds in the corner shall be allowed.

Author: Casey C. Sears

Authority: Code of Ala. 1975, § 41-9-1024

History: New Rule:

165-X-10-.02 Investigations, Hearings, and Subpoena Power.

(a)The commission may make investigations, hold hearings and issue subpoenas to compel the attendance of witnesses.

- a) The commission may order the production of books, papers or records for any hearing.
- b) When a hearing takes place, the commission may administer oaths to and examine any witness for the purpose of examining the question for which the hearing has been called.
- c) Unless otherwise controlled by law or these rules, if the Alabama Athletic Commission finds a violation of its rules or the statute governing the regulation of professional boxing in this state has occurred, the commission may impose a disciplinary fine of not less than \$500.00 nor more than \$25,000.00 for the first offense and not less than \$750.00 nor more than \$75,000.00 for any subsequent offense. In addition to any fine, the commission may suspend or revoke any license.

Author: Casey C. Sears

Authority: Code of Ala. 1975, § 41-9-1024

History: New Rule:

165-X-10-.03 Officials Identification.

Commission Identification. All Commissioners, Chief Inspectors, timekeepers, judges, referees, inspectors and commission appointed representatives will be required to wear a shield or badge embossed with the Alabama great seal, the words Alabama Athletic Commission and the specific title of the person wearing the badge.

- a) All badges are the property of the Alabama Athletic Commission.
- b) Badges may not be worn unless acting on official business of the commission.
- c) Anyone found in violation of this rule shall be subject to disciplinary action.

Author: Casey C. Sears

Authority: Code of Ala. 1975, § 41-9-1024

History: New Rule: Filed October 18, 2011

165-X-10-.04 Alabama Athletic Commission Investigative Committee.

Investigative Committee. A body that shall be appointed by the Alabama Athletic Commission to investigate and make formal recommendations to the commission of all contested license applications and all disciplinary charges against any applicant or licensee or their agents for violation of law or these regulations.

1. The Investigative Committee shall be comprised of at least three people designated by the Alabama Athletic Commission, one of whom, unless otherwise designated, shall be the Athletic Commission Administrator.
2. Contested license applications, complaints and other disciplinary charges of licensed professionals or applicants whereby the Alabama Athletic Commission has jurisdiction including professional boxing and professional mixed martial arts will be investigated and heard before the Investigative Committee and conducted before the Administrator and two other persons from a pool of designated Commissioners.
3. The Administrator shall be the Chairperson thereof, but may at his/her discretion, appoint a representative from the designated pool of Commissioners to chair the Investigative Committee in his/her absence.

Author: Casey C. Sears
Authority: Code of Ala. 1975, § 41-9-1024
History: **New Rule:** Filed October 18, 2011

165-X-10-.04 Investigative Committee: Violations. If the Investigative Committee finds a violation of Athletic Commission rules or the statute governing the regulation of professional boxing or professional mixed martial arts in this state has occurred, the Investigative Committee may recommend:

A fine of not less than \$500.00 nor more than \$25,000.00 for the first offense and not less than \$750.00 nor more than \$75,000.00 for any subsequent offense.

(i) In addition to or in lieu of any fine, the Investigative Committee may recommend that the Athletic Commission revoke or suspend any license or deny the application of any person or assess other penalties as provided by law or these rules.

Author: Casey C. Sears
Authority: Code of Ala. 1975, § 41-9-1024
History: **New Rule:** Filed September 21, 2011
Amended: October 18, 2011

165-X-10-.05 Alabama Athletic Commission Review of Violations. Upon consideration of the Investigative Committee recommendations, the Athletic Commission shall:

1. Affirm the decision of the Investigative Committee
2. Modify or amend the decision of the Investigative Committee
3. Reverse the decision of the Investigative Committee and substitute therefore its own decision with Findings of Fact. The Athletic Commission's decision becomes the final decision based on a vote of a quorum of commissioners present on the date so rendered.

(e)Notification. A professional boxing or professional mixed martial arts licensee or applicant or their agent shall be notified in writing by the Alabama Athletic Commission Administrator of the decision within fifteen (15) days after the decision is rendered. The notification shall include a statement that the licensee or applicant has the right to appeal on the record to the Alabama Athletic Commission.

1. A licensee or applicant or their agent shall have thirty (30) days from receipt of notification of the action of the Alabama Athletic Commission in which to appeal the decision.
2. Such notice of appeal shall be in writing and shall be signed by the licensee, applicant, their duly authorized agent or attorney.
3. The appeal is deemed filed and perfected upon hand delivery to the office of the Alabama Athletic Commission Administrator, within the allotted time, or by U. S. postmark within the allotted time.

(e) Within thirty days after the imposition of a fine and/or suspension or revocation by the commission, a licensee is entitled to judicial review, pursuant Code of Ala., 1975 § 41-9-1038.

Author: Casey C. Sears

Authority: Code of Ala. 1975, § 41-9-1024

History: **New Rule:** Filed September 21, 2011

Amended: October 18, 2011