

PUBLIC PROTECTION CABINET
Boxing and Wrestling Commission
(Amended After Comments)

201 KAR 27:106. Violations, penalties, and appeals.

RELATES TO: KRS ~~229.025~~~~229.021~~, 229.031, ~~229.071~~, ~~229.091~~, 229.155, 229.171, ~~229.180~~, ~~229.190~~, 229.200~~229.991~~, ~~EO 2016-270~~

STATUTORY AUTHORITY: KRS ~~229.025~~~~229.071~~, ~~229.091~~, 229.155, 229.171, ~~229.180~~, ~~229.190~~, 229.200~~229.991~~

NECESSITY, FUNCTION, AND CONFORMITY: KRS 229.171(1) authorizes the ~~commission~~~~authority~~ to exercise sole jurisdiction over all boxing, kickboxing, mixed martial arts, and wrestling shows, exhibitions, and licensees in the commonwealth. ~~Executive Order 2016-270, effective May 16, 2016, abolished the Kentucky Boxing and Wrestling Authority and established the Kentucky Boxing and Wrestling Commission.~~ This administrative regulation provides the policies and procedures that govern the finding of a violation of KRS Chapter 229 or 201 KAR Chapter 27, the issuance of a penalty, and the appeal of a penalty.

Section 1. Violations.

(1) A person shall be guilty of a violation for any of the following actions:

- (a) Violating any provision of KRS Chapter 229;
- (b) Violating any provision of 201 KAR Chapter 27;
- (c) Being found guilty of, pleading guilty to, pleading no contest to, or entering an Alford plea to a crime, other than a traffic violation, that is detrimental to the interests of boxing, kickboxing, mixed martial arts, or wrestling generally or to the public interest, convenience, or necessity in any jurisdiction;
- (d) Being found liable in a civil action for any claim that involves fraud or dishonesty in any jurisdiction if the person is a licensed promoter, manager, referee, or judge;
- (e) Violating a law related to boxing, kickboxing, mixed martial arts, elimination events, or wrestling in any jurisdiction;
- (f) Placing a bet or wager on any bout or match in which the person participates or works;
- (g) Serving as, or consorting or associating with any person who is, a bookmaker or illegal gambler;
- (h) Participating in an unlicensed event; or
- (i) Declaring bankruptcy if the person is a licensed promoter, manager, referee, or judge.

(2) A person shall be guilty of a violation if the person authorizes or ratifies any of the actions in subsection (1) of this section if the action is taken by the person's agent, employee, shareholder, member, officer, or director.

(3) A person who commits a violation shall be issued a notice of violation.

Section 2. Penalties.

(1) If the commission has reason to believe that a person has committed a violation, the commission may impose one (1) or more of the following actions:

- (a) Issue a cease and desist order;
- (b) Declare a contestant ineligible to compete or disqualify the contestant;
- (c) Eject the person from the premises at which the show or exhibition is taking place;
- (d) Issue a fine;
- (e) Suspend, reprimand, revoke, probate, or refuse to renew or issue a license; or
- (f) Refer the person for criminal prosecution.

(2) In issuing a penalty pursuant to subsection (1) of this section, the commission shall consider:

- (a) The severity of the violation;
 - (b) The licensee's history of violations and penalties; and
 - (c) The violation's potential impact on health, safety, and the outcome of a contest; and
 - (d) If the penalty is for a violation of 201 KAR 27:021, the penalty guidelines established in 201 KAR 27:021, Section 7.
- (3) A person whose license is currently suspended shall be prohibited from:
- (a) Being present in a locker room that is used during a commission-sanctioned event; and
 - (b) Being located within the six (6) foot area surrounding the ring or cage at a commission-sanctioned event.

Section 3. Inspector's Authority to Issue a Violation and a Penalty.

- (1) Pursuant to KRS 229.155, the commission shall authorize its inspectors to:
- (a) Issue a notice of violation in accordance with Section 1 of this administrative regulation; and
 - (b) Issue a penalty in accordance with Section 2 of this administrative regulation.
- (2) A penalty issued by an inspector shall be subject to appeal pursuant to Section 5 of this administrative regulation.

Section 4. Reciprocity of a Penalty.

- (1) A licensee who is subjected to a penalty in any jurisdiction shall report to the commission within ten (10) days the date, type, and reason for the penalty given and the name of the regulatory body that ordered the penalty.
- (2) The commission shall enforce the penalty given by any other regulatory body unless the licensee shows good cause why the commission should not reciprocally enforce the penalty.

Section 5. Appeals.

- (1) Any person issued a penalty may appeal the penalty to the full commission.
- (a) An appeal shall be filed within twenty (20) days of the date the penalty is issued.
 - (b) The provisions of KRS Chapter 13B shall govern all administrative appeals.
- (2) A contestant may petition the Commission to change a decision rendered at the end of a professional contest or exhibition in which he or she competed. The Commission shall not change a decision rendered at the end of any contest or exhibition unless:
- (a) The Commission determines that there was collusion affecting the result of the contest or exhibition;
 - (b) The compilation of the scorecards of the judges discloses an error which shows that the decision was given to the wrong unarmed combatant; or
 - (c) As the result of an error in interpreting a provision of this chapter, the referee has rendered an incorrect decision.

Section 6. Effect of Expiration of License on Jurisdiction of the Commission. The expiration of a license shall not deprive the commission of jurisdiction to:

- (1) Proceed with an investigation of the former licensee; or
- (2) Issue a penalty against the former licensee.

MATT BYRD, Executive Director
RAY A. PERRY, Secretary

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REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Doug Hardin

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This regulation establishes grounds for the Commission to issue penalties to licensees, the types of penalties that may be assessed, authority for inspectors to issue administrative violations, and a process for licensees to appeal violations issued by the Commission or its employees.

(b) The necessity of this administrative regulation:

This regulation is necessary so that the Boxing and Wrestling commission and its employees may take appropriate action against licensees who violate provisions of Kentucky law related to boxing, wrestling, and other unarmed combat sports.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

KRS 229.155 authorizes the Commission's executive director to employ "sufficient regulatory staff...that shall be responsible for the day-to-day operations of the commission." KRS 229.200 authorizes the Commission to impose penalties on licensees who violate provisions of KRS chapter 229 or 201 KAR Chapter 27.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This regulation establishes a process for imposing penalties on licensees who are alleged to have violated the law and gives licensees an avenue to appeal those violations.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

N/A

(b) The necessity of the amendment to this administrative regulation:

N/A

(c) How the amendment conforms to the content of the authorizing statutes:

N/A

(d) How the amendment will assist in the effective administration of the statutes:

N/A

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

The Boxing & Wrestling Commission licenses and regulates over 800 licensees that will be affected by this administrative regulation, as follows: • Over 679 licensed contestants (includes boxers, kickboxers, amateur mixed martial artists, professional mixed martial artists, and wrestlers) • Over 185 licensed non-contestants (includes judges, trainers, managers, referees, timekeepers, and seconds) • Over 6 licensed medical providers (includes physicians and healthcare professionals) • Over 40 licensed promoters

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the

change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

This regulation will not require licensees to take any specific action to comply, but it does give them a process by which they may appeal violations issued by the Commission or its inspectors.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

There will be no cost to these licensees to comply with the regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

This regulation establishes a process to provide licensees due process when they are alleged to have violated the law.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

There will be no new costs to the Commission or its licensees.

(b) On a continuing basis:

There will be no new costs to the Commission or its licensees.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

No additional funding will be needed to implement this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

No additional funding will be necessary to implement this regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

This administrative regulation does not increase any fees.

(9) TIERING: Is tiering applied?

Tiering does not apply because the same penalties and process established by this regulation would apply equally to all licensees.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 229.155 authorizes the Commission's executive director to employ "sufficient regulatory staff...that shall be responsible for the day-to-day operations of the commission."

(2) Identify the promulgating agency and any other affected state units, parts, or divisions:

Kentucky Boxing & Wrestling Commission

(a) Estimate the following for the first year:

Expenditures:None

Revenues:None

Cost Savings:None

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts):

This regulation is not likely to affect any local government entities.

(a) Estimate the following for the first year:

Expenditures:None

Revenues:None

Cost Savings:None

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

The Commission does not anticipate any expenditures, revenue, or cost savings related to this regulation.

(4) Identify additional regulated entities not listed in questions (2) or (3):

(a) Estimate the following for the first year:

Expenditures:None

Revenues:None

Cost Savings:None

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

The Commission does not anticipate any expenditures, revenue, or cost savings related to this regulation other than potential fines assessed to licensees who are found to have violated the law.

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation:

This regulation is not likely to have a significant fiscal impact.

(b) Methodology and resources used to determine the fiscal impact:

The Commission already employs inspectors. This regulation will not result in any new employee hires.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate)

This regulation will likely have no economic impact on these entities.

(b) The methodology and resources used to reach this conclusion:

The Commission already employs inspectors. This regulation will not result in any new employee hires.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate.

N/A

(2) State compliance standards.

N/A

(3) Minimum or uniform standards contained in the federal mandate.

N/A

(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate?

N/A

(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements.

N/A