

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

Form #3

Do Not Mark In This Box

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2009 JUL 31 PM 1:43

OFFICE WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY: WV State Athletic Commission TITLE NUMBER: 177

CITE AUTHORITY: WV Code Section 29-5A-24

AMENDMENT TO AN EXISTING RULE: YES NO

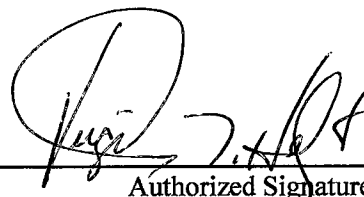
IF YES, SERIES NUMBER OF RULE BEING AMENDED: Series 1

TITLE OF RULE BEING AMENDED: Administrative Rules for the WV State Athletic Commission

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE FOR THEIR REVIEW.


Authorized Signature

QUESTIONNAIRE

(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)

DATE: July 31, 2009

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) WV State Athletic Commission
318 Camp Road
Julian, WV. 25529

LEGISLATIVE RULE TITLE: _____
Administrative Rules for the WV State Athletic Commission

1. Authorizing statute(s) citation _____
WV Code Section 29-5A-24

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:
May 20, 2009

b. What other notice, including advertising, did you give of the hearing?
Members of the Athletic Commission verbally advised all promoters who had expressed an interest in the proposed changes to the Legislative Rules.

c. Date of Public Hearing(s) *or* Public Comment Period ended:
Public Comment Period ended June 22, 2009

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached X No comments received _____

- e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

July 31, 2009

- f. Name, title, address and **phone/fax/e-mail numbers** of agency person(s) to receive all *written correspondence* regarding this rule: (Please type)

Steven A. Allred, Chairman

318 Camp Road
Julian, WV. 25529

Tel 304-369-1387 Fax 304-345-9005

Email : steve@wvboxing.org

- g. **IF DIFFERENT FROM ITEM 'f'**, please give Name, title, address and phone number(s) of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

N/A

- 3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

- a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

N/A

b. Date of hearing or comment period:

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

d. Attach findings and determinations and reasons:

Attached

BRIEF SUMMARY OF TITLE 177, SERIES 1 LEGISLATIVE RULE

The current rule regulates boxing within West Virginia. The proposed changes to the existing rule will clarify the classifications of boxers; modernize the rules to accommodate recent changes in the sport of boxing, for example, the increase in female boxers; increase the fees to be paid to fight officials by the fight promoters; promote greater safety for the athletes; and make the reporting requirements for promoters more realistic.

177 CSR 1
ADMINISTRATIVE RULES OF THE
WEST VIRGINIA STATE ATHLETIC COMMISSION

STATEMENT OF CIRCUMSTANCES

The existing rule was adopted in 2002 and has not been updated. The proposed changes to the existing rule will clarify the classifications of boxers; modernize the rules to accommodate recent changes in the sport of boxing, for example, the increase in female boxers; increase the fees to be paid to fight officials by the fight promoters; promote greater safety for the athletes; and make the reporting requirements for promoters more realistic.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Administrative Rules of the WV State Athletic Commission

Type of Rule: Legislative Interpretive Procedural

Agency: WV State Athletic Commission

Address: Steve Allred, Chairman

318 Camp Creek Road
Julian, WV. 25529

Phone Number: 304-369-1387 Email: steve@wvboxing.org

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

The proposed amendments to the existing legislative rule will have no impact on the costs and revenues for state government.

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0.00	0.00	0.00
Personal Services	0.00	0.00	0.00
Current Expenses	0.00	0.00	0.00
Repairs & Alterations	0.00	0.00	0.00
Assets	0.00	0.00	0.00
Other	0.00	0.00	0.00
2. Estimated Total Revenues	0.00	0.00	0.00

Rule Title: _____

Rule Title: _____

3. **Explanation of above estimates (including long-range effect):**
Please include any increase or decrease in fees in your estimated total revenues.

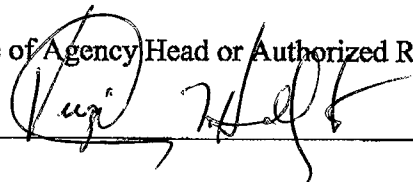
The proposed amendment will not affect any receipts or expenditures of public funds. Currently, the fight officials are paid by the fight promoters and not the Athletic Commission. The proposed increase in fees to be paid to the fight officials will be paid by the fight promoters.

MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule **would not** have a fiscal impact, and/or any special issues **not** captured elsewhere on this form.

Date: July 31, 2009

Signature of Agency Head or Authorized Representative



177CSR1

FILED

2009 JUL 31 PM 1:43

OFFICE WEST VIRGINIA
SECRETARY OF STATE

TITLE 177
LEGISLATIVE RULE
STATE ATHLETIC COMMISSION

SERIES 1
ADMINISTRATIVE RULES OF THE
WEST VIRGINIA STATE ATHLETIC COMMISSION

§177-1-1. General.

1.1. Scope. -- This rule establishes the procedures to be followed for all events under the jurisdiction of the State Athletic Commission. It applies to any professional boxing match or event, any amateur boxing match or event or any showing exhibiting of any simultaneous telecast of any live, current or spontaneous boxing or sparring match, or a closed circuit telecast subscription television viewed within this State or any other state and for which an admission charge is made.

1.2. Authority. -- W. Va. Code §29-5A-24.

1.3. Filing Date. -- ~~July 10, 2002~~: _____

1.4. Effective Date. -- ~~July 10, 2002~~.

§177-1-2. Definitions.

The words used in this rule shall have the following meanings, unless the content indicates a different meaning:

2.1. "Amateur" -- means a boxer who competes for other than a money prize.

2.2. "Amateur Boxing Association Rules" -- means those rules promulgated by the amateur boxing association, USA Boxing, Inc.

2.3. "Amateur contests and exhibitions" -- means contests or exhibitions in which the participants are bona fide amateurs and receive no named compensation or reward for their participation in any contest or exhibition, except watches, medals, articles of jewelry, silverware, trophies or ornaments suitably inscribed to show that it is given for participation in an amateur boxing contest or exhibition. No other prize or reward shall be given or awarded or accepted by any amateur boxer unless authorized in writing by the Commission.

2.4. "Commission" -- means the West Virginia State Athletic Commission.

2.5. "Deputy" -- means an individual appointed by the Commission to represent the Commission in its absence.

2.6. "Promoter" -- means any individual, club, corporation or association incorporated if necessary under the laws of the State of West Virginia engaged in the promotion of regularly scheduled or individual boxing shows or contests.

2.7. "Professional" -- means a boxer who competes for money.

2.8. "Sanction" -- means permitting boxing events to occur and authorizing title matches.

2.9. "Semi Professional" -- means ~~an amateur~~ a boxer who competes in an elimination-style tournament as outlined in Section 45 of these regulations. Semi-professional boxers may only compete in elimination-style tournaments and are prohibited from engaging in exhibition matches (demonstration events) with other boxers.

§ 177-1-2a Classification of Boxers.

2a.1. Classification of Boxers-- The categories of amateur boxer, semi-professional boxer, and professional boxer, shall be mutually exclusive categories except as allowed in Section 2a.2.

2a.2. General Application-- A boxer who competes in any Toughperson style elimination tournament as outlined in Section 45 of these regulations shall be limited to competing as an amateur boxer in five subsequent events sanctioned by the Athletic Commission. Any boxer who wins two Toughperson style elimination tournaments as outlined in Section 45 of these regulations shall be prohibited from subsequently competing in additional Toughperson style tournaments. These prohibitions shall be effective regardless of whether the boxer attempts to subsequently compete in the same or a different weight class from the weight class in which he competed or won in the Toughperson style tournaments.

2a.3 Waiver Permitted-- The Athletic Commission shall have the discretion to waive the limitation of a two championship limit for semi-professional boxers set forth Section 2a.2 for any Toughperson style national championship or world championship event sanctioned by the Commission and to be conducted in this State.

§177-1-3. Press Relations.

The Commission may, in its discretion, after each meeting, issue a bulletin to the press of news items of interest to the public, and may, in its discretion, invite members of the press to attend meetings or hearings of the Commission.

§177-1-4. Licenses.

4.1. General. -- The Commission at its discretion may issue a license to promote, conduct or hold professional boxing or sparring matches and exhibitions to any individual, club, corporation or association eligible for a license under this chapter.

4.2. Application requirements.

(a) ~~Each application for license of professional boxer, manager, second and promoter shall be accompanied by two (2) passport size photographs of the applicant. The All applications for a license shall~~

be signed by the applicant and verified by an official of the Commission. In making application for such license, the applicant shall set forth such facts as this rule may require.

(b) Each application for license of professional boxer shall be accompanied by two (2) passport size photographs of the applicant.

4.3. Requirements for granting or renewing license.

Before being granted a license or license renewal the applicant must establish to the satisfaction of the Commission that he or she:

- (a) Is skilled in the profession of boxing;
- (b) Is of good moral character;
- (c) Is physically fit and mentally sound;
- (d) Has not been convicted of a felony or misdemeanor involving moral turpitude;
- (e) Will conduct his business in the best interest and welfare of the public, preserving the safety and health of participants and the best interest of professional boxing;
- (f) Will adhere to and comply with all rules;
- (g) In the case of a corporate applicant, these factors shall pertain to its officers, directors, principal stockholders and employees; and
- (h) Every license and licensee shall be subject to the provisions of W. Va. Code §§29-5A-1 et seq.

4.4. Suspensions, revocation or probation of license or licensee. -- The Commission shall have the additional authority and power to suspend, revoke or place on probation the license of any licensee licensed under this rule, who in the discretion of the Commission:

- (a) Is guilty of failure to obey any lawful order of the Commission or any inspector thereof;
- (b) Is guilty of gross immorality;
- (c) Is unfit or incompetent by reason of negligence;
- (d) Is insolent or disrespectful to any member of the Commission or representative thereof;
- (e) Is guilty of violating any provision of this rule;
- (f) Has committed fraud or deceit in securing a license for himself or another, or by falsifying application;

(g) Has failed to report to the commission his/her conviction of a felony or misdemeanor involving moral turpitude in any jurisdiction within ten (10) years preceding the suspension or revocation;

(h) Is an habitual drunkard or addicted to the use of narcotics, as determined by a physician;

(i) Is or has become mentally incompetent, as determined by a physician;

(j) Is or has been guilty of unprofessional or unethical conduct or such conduct as to require a suspension or revocation of license in the best interest of the public;

(k) Has failed to furnish the proper party a copy of any contract or agreement required by this rule or has breached such contract;

(l) Has loaned or permitted another person to use his license or has borrowed or used the license of another;

(m) Has failed to maintain in force the bond required by this rule;

(n) Has by act or omission conducted himself in a manner which would tend to be detrimental to the best interests of boxing or to the public interest and general welfare;

(o) Has been disciplined in any manner by the Athletic Commission or similar agency or body of any jurisdiction;

(p) Has failed to pay a fine or forfeiture imposed by this rule;

(q) Has either within or without this State by any act, threat, statement or otherwise, restrained, hindered, interfered with or prevented another applicant or promoter, club, corporation, association or booking agent from presenting any professional boxing or amateur boxing within the State of West Virginia; or

(r) Has either within or without this State engaged directly or indirectly in restraints or monopolies, or taken any action tending to create or establish restraints or monopolies, or conspired with others to restrain any person or persons from participating or competing in any professional boxing or amateur boxing for any promoter, club, corporation, association or booking agent.

4.5. License fees.

4.5.1. Promoters (1 year) \$125.00

4.5.2. Professional Boxer (1 year) \$10.00

4.5.3. Semi-Professional Boxer \$10.00

4.5.4. Seconds, Professional (no charge amateur) \$10.00

4.5.5. Managers, Professional (no charge amateur) \$10.00

4.5.6. Referees and other Officials\$10.00

4.5.7. Amateur Boxers No charge but they must register.

No fee for amateurs. -- Each amateur club must register one (1) manager and two (2) seconds, however, there will be no fees required from amateur managers or seconds. There will only be two (2) people at ringside during a boxing match.

§177-1-5. Bond Required.

Before any license is issued to any promoter regularly conducting boxing contests, he shall execute and file with the Commission a surety bond sufficient to cover all purses, awards and payments to be paid by the promoter. The bond shall be determined by the Commission. The minimum bond shall be ten thousand (\$10,000) dollars. The bond shall be available to cover any fees associated with fighters, managers, seconds, other fight related participants, medical expenses or deductible costs for injured boxers, and fight official. The bond shall not be available to cover expenses such as building rental, concession stand operations, advertisements, or other similar expenses.

§177-1-6. Individual Sanction and Permits for Professionals and Amateurs.

6.1. Application for sanction. -- Before any professional boxing or amateur boxing performance shall be authorized in the State of West Virginia, the promoter shall obtain an individual sanction and permit from the Commission at least ~~fifteen (15)~~ thirty (30) days before the date of any such contest or exhibition.

(a) Requirements of applicants. -- Each applicant application for sanction or permit of a professional fight shall name all contestants, the number of rounds and the date and place of the contest.

(b) Contracts made must be filed. -- All contracts made by the promoter with contestants who are to appear on the event must be filed at the same time. All signed contracts must be submitted to the Athletic Commission no later than noon of the day of the event. No boxer will be allowed to enter the ring unless he has signed a contract for the event. Fighters who are substituted to the bout card on the day of the event pursuant to Section 6.7, *infra*, must sign a contract for the event prior to entering the ring.

(c) Books open for inspection. -- As a condition for issuance of a sanction, each applicant must agree to accord the Commission the right to examine the books, accounts and other records for which such sanction is issued.

6.2. Permits. -- Request for event permits shall be submitted to the Commission thirty (30) days in advance. Permits will be issued by the Commission five (5) days in advance of all contests. Permits for events must be exhibited in a conspicuous place at the box office.

6.3. Minimum round. -- The minimum number of rounds on a card shall not be less than thirty (30) rounds unless special written permission is obtained from the Commission at the time of granting the sanction to have a fewer number of rounds.

6.4. Pre-permit publicity. -- Under no conditions are the promoters permitted to give publicity to a card until the card has been approved by the Commission.

6.5. Changes or substitutions. -- All changes and substitutions must be sanctioned in writing by the chairman of the Commission.

(a) Notice. -- Notice of any change in the announced or advertised programs for any contest must be filed with the Commission and with the press at least four (4) hours prior to the contest, conspicuously posted at the box office and announced from the ring before the opening contest.

(b) Forfeitures. -- If a boxer who is under contract to appear at a club appears at the weigh-in time and is ready to fulfill his contract contractual obligations, but his opponent does not appear or his opponent is not able to compete due to a medical condition as determined by the examining physician nor is and a substitute opponent is not provided, the club must pay the boxer his contract price unless a forfeit is provided.

(c) Refunds. -- Whenever a substitution is made in an advertised contest, the official announcer shall advise the audience of the substitution prior to the opening bout. If any of the patrons desire to have the price of the ticket refunded, a refund will be given if the tickets are presented at the box office prior to the fight. The box office must remain open for at least twenty (20) minutes to redeem the tickets.

6.6. Substitutions -Main bout. -- Substitutions will not be permitted in the main bout unless made forty-eight (48) hours before weigh-in time of the day of the contest and then only when the substitution has been approved by the Commission. Public notice must be made in the local press of the substitutions.

6.7. Late changes to bout card. --The Athletic Commission shall have the authority to allow changes to the bout card on the day of the event if a scheduled contestant fails to attend the match, fails to pass the physical examination, fails to make the required weight for the fight, or for other good cause as determined in its discretion.

§177-1-7. Insurance for Boxers.

7.1. General. -- All promoters, clubs, associations and corporations engaged in the presentation of boxing events, amateur or professional, will provide Accidental Death & Dismemberment insurance for the protection of boxers appearing and participating in such events. The minimum amount of Accidental Death & Dismemberment insurance is ~~\$10,000~~ shall be twenty thousand dollars (\$ 20,000).

7.2. Coverage. -- Insurance coverage shall provide for reimbursement to the athlete for medical, surgical and hospital care with a ~~maximum limit of five thousand dollars (\$5000)~~ minimum coverage of twenty thousand dollars (\$20,000) per participant for injuries sustained while participating in any sanctioned boxing event under the control of a licensed promoter, club, corporation or association ~~and for a minimum payment of two thousand five hundred dollars (\$2,500) to the estate of any deceased athlete where the death is caused by injuries received during the course of an event in which the licensed athlete participated under the promotion of any licensed promoter, club, corporation or association.~~

7.3. Policy Deductible--The boxers shall not be subject to payment of any deductible amount required under the insurance policy. The promoter may provide insurance coverage to the boxers under a policy which has no deductible amount or a "zero" dollar deductible amount. In the alternative, if the promoter provides insurance coverage to the boxers under a policy which requires a deductible payment from the boxer for medical treatment, then the promoter will be required to pay all deductible payments incurred on behalf

of the athlete directly to the medical provider. No promoter will be permitted to require a boxer to pay the deductible amount to the medical provider and seek reimbursement from the promoter.

~~7.3. Commission authorized to collect premium. -- The Commission may enter into the policy with the insurance company and collect the premium as set forth and sanctioned by the Commission.~~

7.4. Penalty for nonpayment of premium. -- Failure to pay premiums on insurance required by this rule, shall be cause for suspension or revocation of the license of such promoter, club, corporation or association.

7.5. Certificate of insurance.--The promoter must submit a valid certificate of insurance coverage to the Athletic Commission no later than seventy-two (72) hours prior to the start of the event.

§177-1-8. Promoters Report.

8.1. Report required.-- Every promoter, club, association or corporation holding a boxing event, professional or amateur, must complete and file the promoter's report in the format provided by the Commission. The report must be received by the chairman of the State Athletic Commission within forty-eight hours of four (4) business days after the date of the event.

8.2. Failure to submit report. -- Any licensee that fails to file a report of any contest within four (4) business days or makes an unsatisfactory report to the Commission shall be subject to penalties as set forth by this rule.

8.3. Report requirements. -- The promoter must file within four (4) business days after any bout or bouts a list of all matches which shall include the name of each participant, weight of each participant, address of each participant, and all decisions rendered by the judges.

8.4. Penalties.-- The Athletic Commission may impose a fine or suspend the license of any promoter for the failure to submit reports. The fine may not exceed \$ 100.00 per day for each day the report is not submitted after the fourth business day.

§177-1-9. Inspectors or Deputies.

9.1. General. -- The Commission shall appoint inspectors as the Commission may deem necessary. At least one (1) inspector shall be at all contests.

9.2. Inspector's report. -- At each boxing performance where an admission fee is charged, an official or inspector of the Commission shall attend. Upon its conclusion, the Chief Deputy or the deputy in charge shall sign a detailed report showing the results of bouts and the physician's report. The inspector shall be responsible for all details of the contest and shall file all necessary reports within forty-eight (48) hours after the event with the chairman of the Commission. The inspector may choose other inspectors to assist him with his duties with the approval of the Commission.

9.3. Duties of chief inspector or chief deputy.

(a) General Duties-- The deputy in charge of a show shall have complete charge of the licenses. It is his or her duty to see that this rule is carried out. The chief inspector or deputy in charge of a show shall be held accountable for the actions of every other deputy assigned to that particular show. The deputy in

charge shall file, in addition to the official report, a detailed account of any violations of this rule and the law governing boxing particularly where a purse or gate has been ordered held.

(b) Prohibition to act as judge or referee-- The deputy in charge of a show and any additional deputies or inspectors shall not act as a referee or a judge in any event sanctioned by the Commission. Deputies or inspectors may only act as a referee or judge on an emergency basis due to the failure of the scheduled referee or judge to appear or the inability of the scheduled referee or judge to perform the designated duties at the event.

9.4. Cooperation with law-enforcement agencies. -- The inspectors shall work in cooperation and in conjunction with any police officers detailed for boxing contests.

9.5. Equipment. -- The inspector shall see that all necessary equipment is provided, that the contestants are ready on time, that the seconds are properly instructed in their duties, that the doctor's report and the statement of weights are delivered to the Commission and that all rules pertaining to the proper conduct of the bouts are enforced.

9.6. Participants.

(a) Gloves. -- Boxers shall not be permitted to put on their gloves until the bandages are examined by a representative of the Commission.

(b) Weights. -- Boxers will be suspended for a period not to exceed sixty (60) days if they come in over the weight contracted for unless authorized by the Commission.

(c) Miscellaneous. -- Ring equipment must be approved by the Commission's inspector. Clubs must have dressing rooms set aside for the use of contestants and no person, except those specifically referenced in §24.2 of this Rule, shall be permitted in the room.

§177-1-10. Failure to Submit Report to Contests: Administrative Review.

~~10.1. General. -- Any licensee that fails to make a report of any contest within forty-eight (48) hours; or makes an unsatisfactory report to the Commission, shall be liable and penalized as set forth by this rule.~~

~~10.2. Report requirements. -- The promoter must file within forty-eight (48) hours after any bout or bouts a list of all matches of the bouts which shall include: The weight, address and name of each participant and the decisions rendered (whether unanimous, split, knockout or technical knockout).~~

10.1. Administrative Review.-- Any licensee subject to a suspension, penalty, or any enforcement action issued by the Athletic Commission, shall have a right to administrative review. The licensee must request the administrative review in writing within twenty (20) days of receipt of the notice of the suspension, penalty or enforcement action from the Commission. The request must be served on the Athletic Commission via certified mail, return receipt requested. The Athletic Commission may hear the appeal itself or appoint a hearing examiner to conduct an inquiry into the events which caused the suspension, penalty or enforcement action. The hearing shall be conducted within twenty (20) days of the date on which the Athletic Commission received the request for administrative review unless good cause is shown to continue the hearing to a later date. Both the licensee and the Commission may agree to conduct the hearing at a later date.

10.2. Hearing Examiner.— The hearing examiner must submit proposed findings of fact and conclusions of law to the Athletic Commission within twenty (20) days of conducting the hearing unless both parties agree otherwise. The Athletic Commission shall issue its final decision within ten (10) business days of receiving the hearing examiner's proposed findings of fact and conclusions of law. The Athletic Commission may accept the hearing examiner's proposed decision, modify hearing examiner's proposed decision, or make its own decision based upon the record from the hearing.

10.3. Athletic Commission.— If the Athletic Commission decides to conduct the administrative hearing itself, it shall issue its decision within twenty (20) days of conducting the administrative hearing.

10.4. Judicial Review.— Judicial review of the Athletic Commission's decision shall be subject to the contested cases provisions of the WV Administrative Appeals Act set forth in WV Code § 29-5A-4.

§177-1-11. Minimum Age Limit.

11.1. Professional boxers. -- No person under the age of eighteen (18) shall be licensed as a professional fighter.

11.2. Managers. -- No person under the age of twenty (20) shall be licensed as a manager.

11.3. Seconds. -- No person under the age of eighteen (18) shall be licensed as a second.

11.4. Amateur boxers.— No person under the age of eighteen (18) shall be allowed to appear as an amateur boxer in any event sanctioned by the Commission. This age limit for amateur boxers shall not apply to any event sanctioned by USA Boxing or to any event sanctioned by any other amateur boxing governing body approved by the United States Olympic Committee.

11.5. Semi-professional boxers.— No person under the age of eighteen (18) shall be allowed to appear as an semi-professional boxer in any event sanctioned by the Commission.

11.6 All professional boxers, managers, seconds, amateur boxers, and semi-professional boxers, shall be required to provide acceptable proof of age to the Commission upon request.

§177-1-12. Assumed Names.

In applying for a license, a contestant shall give his or her correct name, any ring name, address, social security number and date of birth, and any other names appearing on any license held by him or her under other boxing Commissions.

§177-1-13. Designation of Officials.

For all professional contests, the referee or referees, judges and timekeeper shall be designated by the Commission. Only the officials so designated have the authority to perform their respective functions. Examining physicians must be furnished by the promoter and approved by the Commission.

§177-1-14. Failure to Appear.

14.1. Automatic suspension. -- Any contestant who fails to appear at a show for which he or she had signed a contract or a contract, has been signed by his or her duly licensed manager to appear, without a valid excuse or furnishing a doctor's certificate in case of physical disability, shall be automatically suspended for a period of sixty (60) days. The Athletic Commission may suspend the contestant for a period not to exceed twelve (12) months for good cause.

14.2. Reporting requirements. -- Whenever a licensed contestant, because of injuries or illness, is unable to take part in a contest for which he or she is under contract, he or she (or his or her manager) must immediately report that fact to the Commission and submit to an examination by a physician designated by the Commission.

14.3. Investigation and final penalty. -- Any licensed contestant who is unable to take part in a contest shall submit to the Commission, in person or in writing his or her reasons for nonappearance. If such reasons are not satisfactory to the Commission, he or she shall forfeit the appearance, his or her license shall be canceled and notification of the Commission's action shall be forwarded to other boxing Commissions. His or her manager shall be held accountable in the same manner as the contestant, with the same penalty, unless the manager satisfies the Commission that he or she had no part in the contestant's nonappearance.

§177-1-15. Weigh-in.

15.1. General. -- Contestants shall be weighed on the Commission's scales in the presence of each other and an official of the Commission at such time and place prior to the bout as may be designated by the Commission. At the weigh-in of all contestants, duly accredited newspaper representatives shall, upon request, be admitted. Boxers performing at outdoor shows are required to weigh-in on the day they contract for their services. In the event of a twenty-four (24) hour postponement due to weather conditions, weights and physical examinations for the original date of the contract are valid. In the event of a postponement requiring the show to be held later than twenty-four (24) hours after original date, new weights and physical examinations will be required.

15.2. Time of completion. -- Weigh-in ceremonies must be completed ~~at or before two thirty p.m. on the day~~ no later than two(2) hours prior to the start of the contest. Boxers appearing late will not be weighed-in, will not be allowed the opportunity to box, and will be indefinitely suspended. The Athletic Commission shall have the discretion to conduct the weigh-in ceremonies on the day prior to the event or on the day of the event.

15.3. Who must be present. -- Promoters or matchmakers must personally attend weigh-in ceremonies and are not permitted to delegate their duties to an assistant. Inspectors will not weigh-in boxers until the arrival of the promoters or matchmakers staging the contest. All equipment of contestants shall be approved by the inspector at weigh-in time.

§177-1-16. Weights and Classes.

16.1. Weight Classes. The Athletic Commission shall utilize the weight classes set forth in Appendix 1 for professional and semi-professional bouts and the weight classes in Appendix 2 for all amateur bouts. The Commission shall have the discretion to utilize different weight classes as necessary for the event.

16.2 General. -- Championship fights shall be a minimum of 10 rounds. ~~Championships will be recognized in the following classes:~~

- ~~16.1.a. Flyweights - 112 pounds~~
- ~~16.1.b. Bantamweights - 118 pounds~~
- ~~16.1.c. Featherweights - 125 pounds~~
- ~~16.1.d. Junior Lightweights - 130 pounds~~
- ~~16.1.e. Welterweights - 140 pounds~~
- ~~16.1.f. Middleweights - 160 pounds~~
- ~~16.1.g. Light Heavyweights - 175 pounds~~
- ~~16.1.h. Heavy Weights Over - 175 pounds~~

~~16.2. Limitations. -- The following limitations of weights are placed on all boxing bouts. No exception shall be made to this requirement except by written permission of the Commission:~~

- ~~16.2.a. Between Fly-
weights (112 lbs.) 3 pounds~~
- ~~16.2.b. Between Bantam-
weights (118 lbs.) 4 pounds~~
- ~~16.2.c. Between Feather-
weights (126 lbs.) 5 pounds~~
- ~~16.2.d. Between Junior Light-
weights (130 lbs.) 6 pounds~~
- ~~16.2.e. Between Light-
weights (135 lbs.) 7 pounds~~
- ~~16.2.f. Between Junior Welter-
weights (140 lbs.) 8 pounds~~
- ~~16.2.g. Between Welter-
weights (147 lbs.) 9 pounds~~
- ~~16.2.h. Between Middle-
weights (160 lbs.) 10 pounds~~
- ~~16.2.i. Super-Middle Weights-
(168 lbs.) 10 pounds~~
- ~~16.2.j. Between Light Heavy-~~

~~weights (175 lbs.)~~ 11 pounds

~~16.2.k. Cruiser Weights~~
~~(190 lbs.)~~ 11 pounds

~~16.2.l. Between Heavyweights~~
~~(Over 190 lbs.)~~ No limitations

§177-1-17. Contracts.

17.1. Contracts must be filed. -- The Commission shall be furnished with certified copies of all contracts between promoting corporations, contestants or managers. A copy of all contracts and agreements between a promoter, club, association or corporation, licensed under this rule and any person or persons not named in the license, who by virtue of the contract or agreement might gain financial benefit from the promotion and presentation of boxing events in West Virginia by a promoter, club, associations or corporation, must be placed on file with the Commission for approval.

17.2. When filed. -- An original copy of every contract between a manager and a boxer licensed in West Virginia must be filed when an application for license is made. The contracts shall be maintained in the archives of the West Virginia State Athletic Commission.

§177-1-18. Fake Contests.

Any promoting corporation, referee, second or contestant, who in the judgment of the Commission, is guilty of intentional conniving or participation in any prearranged or "Fake" contest shall be liable to suspension and other penalties provided for in this rule.

§177-1-19. No Pay Before Contest.

No contestant shall be paid for his services before a contest.

§177-1-20. Wagering.

Wagering on the contest is prohibited in any area under the jurisdiction of the Commission.

§177-1-21. Length of Rounds.

Rounds for professional boxing contests shall be of three (3) minutes' duration with a rest period of one (1) minute between rounds. The Commission in its discretion may limit the duration of rounds to two (2) minutes' duration with a rest period of one (1) minute between rounds.

§177-1-22. Reporting In.

Contestants shall report to the inspector in the dressing room at least one (1) hour before they are due in the ring.

§177-1-23. Interval Between Bouts.

When a contestant competes in a bout of more than four (4) rounds, he will not be allowed to compete again until six (6) days have elapsed excluding the day of the first event. When a contestant competes in a bout of four (4) rounds or less, he will not compete again until four (4) days have elapsed excluding the day of the first event. The Athletic Commission shall have the discretion to extend the interval between bouts up to a maximum of fifteen (15) days if the Commission determines that the health or safety of the contestant would otherwise be in jeopardy. The requirements of this section shall not apply to Toughperson style events authorized under Section 45 of these rules.

§177-1-24. Dressing Room.

24.1. A Commission inspector shall be in charge of and supervise the conduct of the dressing room, see that contestants and seconds are dressed in accordance with the rules, that tape, gloves and accouterments are as required and there is no delay between bouts. He shall see to it, that one (1) set of boxers is ready to enter the ring while the preceding bout is in progress.

24.2. No one shall be allowed in the contestant's dressing room except managers, seconds and the Commission or promoter's representatives.

§177-1-25. Managers.

25.1. General. -- No manager shall attempt to select or insist upon the selection of any designated referee in a bout in which a boxer under his management is to appear, nor shall he have the name of any referee written into the official contract covering such bouts.

25.2. Assignments of interest. -- No assignment of a boxer's or manager's interest in a contract, or of any part thereof, shall be made without the written approval and consent of the Commission.

25.3. Contracts to be filed. -- All copies of the contracts entered into between managers and boxers must be placed on file with the Commission for approval. A contract becomes null and void if any time during his term the manager is not duly licensed by the Commission.

25.4. Limitation on earnings. -- A boxer is permitted to have one (1) manager. That manager is not allowed to receive more than thirty-three and a third percent (33 1/3%) of the ring earnings of a boxer.

25.5. Limitation on supervision. -- Managers shall not have more than two (2) boxers under their management in any one (1) show without special permission from the Commission.

§177-1-26. Boxers with No Managers.

Any boxer not under contract to a manager may make his own matches and sign contracts and need not apply for a manager's license to handle his own affairs.

§177-1-27. Seconds.

27.1. Dress. -- Seconds and managers acting as seconds, must be neatly attired when in the ring and wear jerseys or shirts of plain colors with sleeves.

27.2. Demeanor. -- Seconds shall not coach or in any way assist a principal during a round, or by word or action attempt to heckle or annoy his principal's opponent. They shall remain seated in place and silent.

27.3. Conduct. -- Seconds shall not enter a ring until the bell indicates the end of the round and are prohibited from spraying or forcefully throwing water on a contestant, they shall leave the ring at the sound of the timer's whistle ten (10) seconds before a round is to begin, removing all obstructions, buckets, stools, etc., promptly at the sounding of the gong.

27.4. Throwing in the towel. -- Seconds are prohibited from throwing a towel in the ring as a token of defeat, however, the second may step upon the ring apron and indicate to the referee that his fighter should not continue, otherwise, the referee is the sole judge as to the ability of a boxer to continue.

27.5. Prohibition of certain dressings. -- No second will be permitted to use grease or any other substances on the body of a contestant. The use of Vaseline in corners is not allowed except in the use of stopping blood and on cuts. The use during a boxing match of any drugs or compounds for stopping hemorrhaging in the ring is prohibited. The use of drugs, alcohols or stimulants during a match by any contestant is adequate cause for revoking his license.

§177-1-28. Timekeepers.

28.1. Qualifications. -- Timekeepers shall be appointed by the Commission and shall be ~~bona fide residents of the State of West Virginia,~~ and of recognized good standing and character.

28.2. Duties. -- The timekeeper shall be seated at the ringside close to the timer or bell. The timekeeper shall use an electronic timer or bell to indicate the beginning and end of each round so the contestants shall hear the timer or bell.

28.3. Equipment. -- The timekeeper shall provide himself with a whistle and an accurate stop watch that has been properly examined and certified by an inspector of the Commission before it is used.

28.4. Warnings. -- Ten (10) seconds before the beginning of each round the timekeeper shall give warning to the seconds of the contestants by blowing the whistle.

§177-1-29. The Announcer.

29.1. Responsibilities. -- The announcer shall be approved by the Commission and must be a bona fide resident of the State of West Virginia, except when specifically approved for any one performance by the Commission.

(a) Announcing contestants. -- After contestants and their chief seconds are in the ring, the announcer shall announce the names of the contestants, their correct weights and such other matters as may be approved by the Commission. Promoters shall make provisions for the announcement of rounds.

(b) Decisions. -- The announcer must get the judges' verdicts on paper and he must not reveal a judge's decision to another prior to the announcement. The announcer shall immediately after each bout turn these tally slips over to a representative of the Commission at the ringside. This official shall check the slips

and inform the announcer of the decisions. The announcer shall then announce it to the crowd. He may announce whether or not the decision is unanimous.

29.2. Conduct. -- The announcer in boxing contests shall be neatly dressed. His conduct is subject to the supervision of the Commission.

§177-1-30. Physician; Medical Requirements.

30.1. Physical examination required. -- Every contestant shall, at weighing-in time or at any other time on the day of the contest that may be designated by the Commission, be subjected to a physical examination by a duly licensed physician approved by the Commission. The physician must be a medical doctor (MD) or a doctor of osteopathy (DO) duly licensed by the State of West Virginia.

30.2. Inspectors to enforce. -- Inspectors are charged with the duty of seeing that this provision is, in every case, complied with.

30.3. Fitness certification required. -- No contestant shall take part in a contest until pronounced fit to do so by the physician approved by the Commission. The facts of physical examinations and of the physical fitness of contestants shall be certified over the signature of the physician as a part of the inspector's report submitted after each set of bouts.

30.4. Attendant required. --A physician shall attend at ringside until the conclusion of the final bout ; In addition, the promoter shall have at least one (1) ambulance and plus two (2) paramedics Emergency Medical Technicians-- Intermediate (EMT I's) or individuals with greater medical qualifications present until the conclusion of the final bout.

30.5 Oxygen bottles required.-- The promoter must ensure that oxygen bottles are kept at ringside for the duration of all boxing events.

§177-1-31. Decisions.

31.1. By judges. -- Three (3) judges, appointed by the Commission, shall render a decision at the termination of each boxing contest. ~~Judges shall be bona fide residents of the State of West Virginia and of~~ recognized good standing and character.

31.2. Special judges. -- Licensed referees, members of the Commission, or designated officials of the Commission may, in an emergency, act as judge.

31.3. Location of judges. -- The three (3) judges shall be stationed at opposite sides of the ring.

31.4. Basis of decision. -- The decision of the judges shall be based primarily on effectiveness, taking into account the following points:

(a) A clean, forceful hit, landed on any vulnerable part of the body above the belt should be credited in proportion to its damaging effects.

(b) Aggressiveness is next in importance and points should be awarded to the contestant who sustains the action or a round by the greatest number of skilled attacks.

(c) Defensive work is relatively important and points should be given for cleverly avoiding or blocking a blow.

(d) Points should be awarded where ring generalship is conspicuous. This comprises such points as the ability to quickly grasp the advantage of every opportunity offered; the capacity to cope with all kinds of situations which may arise; to foresee and neutralize an opponent's methods of attack; and to force an opponent to adopt a style of boxing at which he is not particularly skillful.

(e) It is advisable to deduct points when a contestant persistently delays the action of a contest by clinching and lack of aggressiveness.

(f) A contestant should be given credit for sportsmanlike actions in the ring, close adherence to the spirit as well as the letter of the rules and for refraining from taking technical advantage of a situation which is unfair to an opponent.

(g) A boxer will be charged with the loss of a round in which the referee gives him a third (3rd) warning for a minor foul. Any such penalty, however, shall not be imposed by the judges on their cards until they are advised by the referee.

(h) In scoring a contest the elements of offense, defense, clean hitting, ring generalship and sportsmanship shall be carefully considered. Minor fouls shall count against an opponent. Foul blows, no matter how damaging, count against the contestant responsible for their delivery.

31.5. Scoring. -- Scoring shall be by the ~~"5 Point"~~ "10 Point Must System" system in professional bouts and the "20 Point System" in amateur bouts (unless approved or changed by the Commission). ~~The winner of any round is marked "5." The loser of any round is marked "0" to "4."~~ There will be no even rounds. The requirements of this section shall not apply to events sanctioned by USA Boxing.

31.6. Mandatory eight (8) count. -- When a contestant is knocked down he shall be required to take a count of eight (8) seconds, whether or not he rises before the count of eight (8) has been reached. The count is for the benefit of the fallen contestant. The knockdown is scored against him regardless of the length of the count. Taking the "8" count is regarded as a display of ring generalship.

§177-1-32. Fouls.

32.1. Hitting below the belt.

32.2. Hitting an opponent who is down or rising after being down.

32.3. Holding an opponent with one (1) hand and hitting with the other.

32.4. Holding or deliberately maintaining a clinch.

32.5. Wrestling or roughing at the ropes.

32.6. Pushing an opponent about the ring or into the ropes or striking an opponent who is helpless as a result of blows and supported by the ropes, so that he does not fall.

32.7. Butting with the head or shoulder or using the knees or elbows.

32.8. Hitting with the open glove, with the butt or inside of the hand, the elbow, the wrist and all backhand blows.

32.9. Purposely going down without being hit.

32.10. Striking deliberately at the part of the body over the kidneys.

32.11. The use of the pivot blow or the rabbit punch.

32.12. Jabbing opponent's eyes with the thumb of the gloves.

32.13. The use of abusive language in the ring.

32.14. Any unsportsmanlike trick or action causing injury to an opponent.

§177-1-33. Referee's License.

33.1. Qualifications. -- Referees shall be appointed by the Commission and shall be licensed after first satisfying the Commission of their professional and physical qualifications.

33.2. Prohibitions. -- No person who is, directly or indirectly, interested in the management of a contestant, or who is an individual promoter, or stockholder in, or an employee of a corporation, or interested in an unincorporated club or association engaged in the promotion of contests, shall be granted a referee's license.

33.3. Powers of the referee. -- After a contest starts, the referee has power to declare a bout "No Contest," and order the purse held, pending the decision of the Commission. The referee shall immediately make a report to the Commission. The referee may stop a contest if, in his opinion, one (1) of the contestants is badly outclassed or injured or the referee may temporarily stop a contest and consult the examining physician on the advisability of stopping the contest in case a contestant appears injured. The referee is empowered to enforce discipline and the rules pertaining to the conduct and behavior of contestants and seconds.

33.4. Duties of referee.

(a) General. -- Subject to the supervision of Commission members or Deputy Commissioners, the ~~The~~ chief official of the contest shall be the referee who shall have general supervision over bouts and take his place in the ring. ~~He shall be paid seventy-five dollars (\$75.00)~~ one hundred fifty dollars (\$150.00) per night by the promoter.

(b) Ascertainment of seconds. -- The referee shall, before starting a contest, ascertain from each contestant the name of his chief second and shall hold the chief second responsible for the conduct of his assistant seconds during the progress of the contest.

(c) Instructions. -- The referee shall call contestants together in the ring before each bout for the final instructions at which time each contestant shall be accompanied by only his chief second. The principals after receiving instructions shall be required to shake hands at the beginning of the first round.

33.5. Referee's inspection. -- The referee shall inspect the bandages and the gloves and make sure that no grease or other foreign substances have been applied to either the gloves or the bodies of the contestants to the detriment of the opponent.

33.6. Referee's uniform. -- Referees shall wear official uniforms as authorized by the Commission.

§177-1-34. "Down" Without Being Struck; Counted Out.

34.1. General. -- A contestant who goes down without being struck and stays down shall be disqualified.

34.2. Absence of fighter. -- Should a contestant leave the ring during the one (1) minute period between rounds and fail to be in the ring when the gong rings the signal to resume boxing or should a contestant fail to rise from his chair at the beginning of a round, the referee shall start counting immediately and unless the contestant is on his feet in the ring at the end of ten (10) seconds, he shall declare him counted out.

§177-1-35. Withholding Purse.

As counting a contestant out, or disqualifying one (1) of the contestants for fouling, is held to be, in effect, giving a decision, should the referee decide that one (1) or both the contestants are not honestly competing, or that the knockdown is "A Dive" or the found prearranged termination of the bout, the referee shall stop the bout and order the purses or trophies of both boxers held pending investigation by the Commission notwithstanding the referee may have completed the count of ten (10).

§177-1-36. Counting.

36.1. General. -- When a contestant is knocked down, the referee shall order the opponent to retire to the corner farthest removed from the fallen contestant, pointing to the corner, and he shall immediately begin the count over the contestant who is down. He shall audibly announce the passing of the seconds, accompanying the count with motions of his arm, the downward motion indicating the end of each second.

36.2. Opponent's actions. -- Should the opponent fail to stay in the farthest corner, the referee shall cease counting until he has returned to it, and then go on with the count from the point at which it was interrupted.

36.3. Mandatory count and disqualification. -- A contestant who is knocked down must take the mandatory "Eight (8) Count" and any contestant who is knocked down three (3) times in any round shall be disqualified by the referee.

36.4. Examination after eight (8) count. -- If the count of "Eight" (8) is reached and the contestant who was down is on his feet, the referee, if he deems it advisable, may examine the contestant long enough to assure himself that the contest should continue. If so assured, the referee shall without loss of time order the contest to continue.

36.5. Knockout. -- If the contestant taking the count is still down when the referee calls the count of "Ten," (10) the referee shall wave both arms to indicate that he has been knocked out and shall raise the right hand of the opponent as the winner or hold that the bout be declared no contest. The referee's count is the official count.

36.6. Saved by the bell. -- If the round ends during the count, the timekeeper shall not sound the gong once thus indicating the termination of the round and that the contestant who is down has not been counted out ; however, the referee shall continue the count. Any contestant who fails to rise before the conclusion of the count shall be declared to be defeated and the opponent shall be declared the winner of the contest. A contestant may only be saved by the bell at the conclusion of the final scheduled round of the bout.

36.7. Weak knees. -- Should a contestant who is "Down" arise before the count of "Ten" (10) is reached and go down again immediately without being struck, the referee shall resume the count where it left off.

36.8. Knockout victim. -- When a boxer has been knocked out he shall not be touched or moved except at the direction of the ringside physician.

36.9. Helpless boxer is down. -- If a contestant is helpless on the ropes, the referee shall instantly intervene, declare the helpless boxer "Down" and proceed with the count as in case of a knockdown.

§177-1-37. A Contestant is Down.

A contestant is down when any part of his body but his feet is on the floor or when he is hanging helplessly over the ropes and the referee has begun to count over him.

§177-1-38. Gloves.

38.1. Weight. -- Gloves in over 154 weight classes must be at least ten (10) ounces. Weight class under 154 may use eight (8) ounce gloves.

38.2. Examination. -- Gloves shall be examined by the inspector. If padding is found to be misplaced or lumpy or if gloves are found to be imperfect, other gloves shall be substituted therefore before the contest starts.

38.3. Condition. -- No breaking, roughing or twisting of gloves shall be permitted.

38.4. Main events. -- Gloves for all main events shall be new and furnished by the promoting corporation.

38.5. Cleanliness. -- If gloves used in any bouts have been used before, they must be whole, clean and in sanitary condition.

38.6. Inspected. -- Gloves for the main event must be put on in the ring after the referee has first inspected the bandaged hands of both contestants.

§177-1-39. Bandages.

39.1. Bandages for boxers shall conform to the following restrictions.

39.2. One (1) winding of surgeon's adhesive tape not over 1 ½ inches wide placed directly on the hands to protect that part of the hand near the wrist. This may cross the back of the hand twice but not extend within 1 inch of the knuckles.

39.3. Soft surgical bandages not over 2 inches in width held in place by not more than 2 feet of surgeons adhesive tape 1 inch wide for each hand. One 10-yard roll of bandage shall make the wrapping for each hand.

39.4. The use of any wrap other than guaze or surgical wrap as prescribed in this section is prohibited.

§177-1-40. Contestant's Costumes.

40.1. General. -- Contestants shall box in proper costume, including protection cup, which shall be firmly adjusted before leaving the dressing room.

40.2. Trunks. -- Each contestant shall supply himself with a pair of trunks, loose fitting and made of light cloth, similar to an athlete's "Running Pants." The contestants shall not wear the same colors in the ring. The wearing of tights is prohibited.

40.3. Belt. -- The belt of the trunks shall not extend above the waistline.

40.4. Shoes. -- Shoes shall be soft material and not be fitted with spikes, cleats, hard soles or hard heels. Socks, rolled down to the tops of the shoes, may be of any color.

40.5. Mouthpiece.— Every boxer shall wear a mouthpiece.

40.6. Female boxers.— In addition to the above requirements, female boxers shall also wear an abdominal guard, foul proof cup, and a body shirt. Breast protectors are optional.

40.7. Miscellaneous. -- No apparel other than as specified above may be worn in the ring, except a bathrobe. The Athletic Commission shall have the discretion to alter the costume requirements as necessary.

§177-1-41. The Ring.

41.1. The ring shall be not less than 16 nor more than 24 feet square within the ropes, the ring floor to extend beyond the ropes not less than 18 inches. The ring posts shall not be nearer to the ring ropes than 18 inches. The ring shall be padded with felt, corrugated paper, matting or other soft material to a thickness of not less than 1 inch padding extending 1 foot beyond the ring ropes, with a top covering of canvas, duck or similar material tightly stretched and laced to the ring platform. Material that tends to gather in lumps or ridges shall not be used.

41.2. The ring shall not be more than 4 feet above the floor of the building or ground of an outdoor arena and shall be provided with suitable steps for the use of contestants. Ring posts shall not be more than 3 inches in diameter, extending from the floor of the building or ground to a height of 58 inches above ring floor.

41.3 The Athletic Commission shall determine all seating arrangements at ringside.

§177-1-42. Ring Ropes.

Ring ropes shall be at least three (3) in number, not less than 1 inch in diameter; the lower rope 18 inches above the ring floor, the second rope 35 inches above the floor; the third rope 52 inches above floor. Ropes shall be wrapped in soft material.

§177-1-43. Obstructions.

The entire ring platform shall be cleared of all obstructions, including buckets, stools, etc.; the instant the gong indicates the beginning of a round, none of these articles shall be placed on the ring floor until the gong has ended the round.

§177-1-44. Water Buckets, etc.

There shall be provided by the promoting corporation a sufficient number of water buckets for the use of all contestants. Promoters shall also provide fans, powdered resin for canvas, stools for seconds and such other articles as are required in the conduct of a contest. A bucket used by a contestant shall not be used again until it has been washed and sterilized.

§177-1-45. Semi- Professional Fights, also known as "Toughperson" style elimination tournaments.

45.1. Toughperson style contests shall be considered semi-professional events. Due to the unique nature of these events, the following rules shall apply. Participants are not to be considered professional boxers.

45.2. Qualification of contestants:

45.2.a. All contestants shall be at least 18 years of age or older.

45.2.b. Contestants cannot have any previous professional boxing experience and cannot have over five sanctioned amateur bouts.

45.2.c. Contestants must also pass a physical examination.

45.3 Format:

45.3.a. All semi- professional bouts are two night events with fighters paired by blind draw.

45.3.b. All contestants shall fight once the first night.

45.3.c. The final night shall be elimination tournament where bouts will be set up by item 45.4 below.

45.3.d. Bouts shall be staggered to allow for adequate rest time between bouts and to all contestants.

45.3.e. Each fight will be scheduled for three (3) rounds (3) of sixty (60) seconds ~~minimum to 90 seconds maximum~~ each.

45.3.f. There shall be one (1) minute rest period between rounds.

45.3.g. Winners who cannot participate the second night because of medical disqualification or who do not wish to continue for other reasons forfeit to the contestant they defeated. The defeated contestant has the right to refuse to resume fighting in the tournament. If a fighter refuses to continue in the tournament the promoter may pick any other defeated contestant to continue with the tournament.

45.4. Sequence of events:

45.4.a. All contestants are selected and paired based on experience, height, weight and condition.

45.4.b. No one shall be aware of who they fight until the matches are posted prior to the fight.

45.4.c. The first night fighters shall fight one time.

45.4.d. The second night fight in bouts, again based on experience, height, weight and condition, and will then eliminate down to the winners.

45.4.e. Three (3) knockdown and standing eight count rules shall apply.

45.5. Safety and equipment:

45.5.a. All contestants shall wear headgear, cups and mouth pieces at all times.

45.5.b. All contestants shall utilize proper and approved hand wraps and 16 oz. boxing gloves.

45.5.c. Proper clothing and shoes as set forth in section 177.1.40 shall be worn by contestants.

~~45.6. Maximum number of championships:~~

~~—————A maximum of two tournament championships, per weight class will be allowed for one individual.~~

§177-1-46. Amateur Boxing Rules.

46.1. General. -- The rules to be followed in all amateur boxing contests held in the State of West Virginia shall be the Rules of the Amateur Boxing Association and the Rules of the State Athletic Commission. Any local boxing club, association or any group that desires to make requirements, local rules or any other restrictions other than those rules mentioned above, must first submit those rules to the State Athletic Commission for approval.

46.2. Other rules, requirements or restrictions. -- No organization, association, group or club shall impose any additional rules, local rules, requirements or restrictions without first having those proposed rules, requirements or restrictions approved by the State Athletic Commission.

46.3. Procedure for approval.

46.3.a. Prior to any local rule, requirements or restrictions being imposed or put into effect, the proponent must submit an original and three (3) copies of the proposed rule to the State Athletic Commission.

46.3.b. No rule, local rule, requirement or restriction shall be valid or enforceable unless first approved by the State Athletic Commission.

46.3.c. In addition to the original and three (3) copies of the proposals, a proponent must also furnish a written rationale justifying the use of the proposed rules.

46.3.d. The State Athletic Commission will notify the proponent of its decision to approve or reject any proposals within forty-five (45) days of the first meeting of the Commission after the receipt of the proposal.

§177-1-47. National Anthem.

At the beginning of each boxing program the National Anthem shall be played.

§177-1-48. "Ultimate Fight".

48.1. General. -- The State of West Virginia DOES NOT recognize, nor will license any full contact boxing or fighting event, commonly referred to as an "Ultimate Fight", "Extreme Fight" or "No Holds Barred Fight" event or any facsimile thereof by whatever name called.

48.2. Definition. -- The terms "ultimate fight", "Extreme Fight" or "No Holds Barred Fight" mean and include, but are not limited to, any full contact boxing event or other boxing event that follows nontraditional rules, and which includes or permits any one or more of the following:

48.2.a. Use of other than authorized boxing weight classes;

48.2.b. Rounds in excess of three minutes in length;

48.2.c. Rest periods of less than one minute between rounds;

48.2.d. Gloves of less than eight ounces in weight;

48.2.e. Use of a caged arena instead of an authorized boxing ring;

48.2.f. Use of kicks without the use of foot and instep padding;

48.2.g. Use of respiratory restraints or respiratory chokes;

48.2.h. Use of elbow strikes;

48.2.i. Use of strikes, whether punches, kicks or elbow strikes, to the head while a participant is on the ground; or,

48.2.j. Use of biting, eye gouging, fish hooking, groin strikes, head butting, or direct blows to the spine.

Provided, That the prohibition set forth herein is not intended to abrogate or otherwise supercede any current rules promulgated by the Commission. Provided, However, that the prohibition set forth herein is not intended to prohibit any boxing, sparring match or exhibition sanctioned by organizations recognized by the United States Olympic Committee.

§177-1-49. Officials Fees.

49.1. Day of show Chief Deputy or Deputy in Charge ~~\$75.00~~

Up to Thirty Rounds \$ 100.00 per day

More than thirty rounds \$ 150.00 per day

49.2. Judges ~~\$50.00~~

Up to Thirty Rounds \$ 75.00 per day

More than thirty rounds \$ 100.00 per day

49.3. Time Keeper ~~\$50.00~~

Up to Thirty Rounds \$ 75.00 per day

More than thirty rounds \$ 100.00 per day

49.4. Referee ~~\$75.00~~

Up to Thirty Rounds \$ 100.00 per day

More than thirty rounds \$ 150.00 per day

49.5. Inspectors ~~\$50.00~~

Up to Thirty Rounds \$ 75.00 per day

More than thirty rounds \$ 100.00 per day

§177-1-50 Medical Testing Requirements.

50.1 Every professional boxer must submit evidence to the Commission that the boxer is free of Human Immunodeficiency Virus (HIV) and proof of passing a Hepatitis B and a Hepatitis C virus test. The Athletic Commission will only accept laboratory results that are no older than twelve (12) months.

50.2 Every female boxer must submit a negative pregnancy test to the Athletic Commission. The test must be no older than 14 days prior to the date of the boxing match. Female boxers who participate in USA Boxing sanctioned events must also submit a negative pregnancy test to the Athletic Commission.

50.3 The Athletic Commission shall have the discretion to require additional medical testing of any athlete in order to protect the health and safety of athletes. Additional testing may include an electrocardiogram (EKG), neurological exam, cat scan (CT), cardiovascular stress test, or any other examination, which the Commission deems necessary.

APPENDIX 1

WEIGHT CLASSES FOR PROFESSIONAL BOXERS

Male and Female Professional Boxers utilize the same weight classes.

<u>Weight Class</u>	<u>Boxers Weights</u>	<u>Weight Difference Allowed</u>
<u>Mini Flyweight</u>	<u>up to and including 105 pounds</u>	<u>not more than 3 lbs.</u>
<u>Light Flyweight</u>	<u>over 105 to 108 pounds</u>	<u>not more than 3 lbs.</u>
<u>Flyweight</u>	<u>over 108 to 112 pounds</u>	<u>not more than 3 lbs.</u>
<u>Super Flyweight</u>	<u>over 112 to 115 pounds</u>	<u>not more than 3 lbs.</u>
<u>Bantamweight</u>	<u>over 115 to 118 pounds</u>	<u>not more than 3 lbs.</u>
<u>Super Bantamweight</u>	<u>over 118 to 122 pounds</u>	<u>not more than 4 lbs.</u>
<u>Featherweight</u>	<u>over 122 to 126 pounds</u>	<u>not more than 4 lbs.</u>
<u>Super Featherweight</u>	<u>over 126 to 130 pounds</u>	<u>not more than 4 lbs.</u>
<u>Lightweight</u>	<u>over 130 to 135 pounds</u>	<u>not more than 5 lbs.</u>
<u>Super Lightweight</u>	<u>over 135 to 140 pounds</u>	<u>not more than 5 lbs.</u>

APPENDIX 1 – continued

<u>Welterweight</u>	<u>over 140 to 147 pounds</u>	<u>not more than 7 lbs.</u>
<u>Super Welterweight</u>	<u>over 147 to 154 pounds</u>	<u>not more than 7 lbs.</u>
<u>Middleweight</u>	<u>over 154 to 160 pounds</u>	<u>not more than 7 lbs.</u>
<u>Super Middleweight</u>	<u>over 160 to 168 pounds</u>	<u>not more than 7 lbs.</u>
<u>Light Heavyweight</u>	<u>over 168 to 175 pounds</u>	<u>not more than 7 lbs.</u>
<u>Cruiserweight</u>	<u>over 175 to 200 pounds</u>	<u>not more than 12 lbs.</u>
<u>Heavyweight</u>	<u>over 200 to</u>	<u>no limit</u>

SEMI-PROFESSIONAL BOXERS

Male and Female Semi-Professional Boxers utilize the same weight classes.

<u>Weight Class</u>	<u>Boxers Weights– lbs.</u>
<u>Bantamweight</u>	<u>up to 139</u>
<u>Welterweight</u>	<u>over139 to 159</u>
<u>Middleweight</u>	<u>over 159 to 184</u>
<u>Heavyweight</u>	<u>over 184</u>

APPENDIX 2

WEIGHT CLASSES FOR AMATEUR BOXERS

MALE BOXERS

<u>Weight Class</u>	<u>Maximum Weight-lbs.</u>
<u>Light Flyweight</u>	<u>106</u>
<u>Flyweight</u>	<u>112</u>
<u>Bantam Weight</u>	<u>119</u>
<u>Featherweight</u>	<u>125</u>
<u>Lightweight</u>	<u>132</u>
<u>Light Welterweight</u>	<u>141</u>
<u>Welterweight</u>	<u>152</u>
<u>Middleweight</u>	<u>165</u>
<u>Light Heavyweight</u>	<u>178</u>
<u>Heavyweight</u>	<u>201</u>
<u>Super Heavyweight</u>	<u>over 201</u>

The requirements of this section shall not apply to events sanctioned by USA Boxing.

APPENDIX 2 –continued

WEIGHT CLASSES FOR AMATEUR BOXERS

FEMALE BOXERS

<u>Weight Class</u>	<u>Maximum Weight-lbs.</u>
<u>Light Flyweight</u>	<u>101</u>
<u>Flyweight</u>	<u>106</u>
<u>Bantam Weight</u>	<u>112</u>
<u>Featherweight</u>	<u>119</u>
<u>Lightweight</u>	<u>125</u>
<u>Light Welterweight</u>	<u>132</u>
<u>Welterweight</u>	<u>141</u>
<u>Middleweight</u>	<u>152</u>
<u>Light Heavyweight</u>	<u>165</u>
<u>Heavyweight</u>	<u>178</u>
<u>Super Heavyweight</u>	<u>over 178</u>

The requirements of this section shall not apply to events sanctioned by USA Boxing.

**RESPONSE OF THE
WEST VIRGINIA STATE ATHLETIC COMMISSION
TO PUBLIC COMMENTS RECEIVED
FOR THE PROPOSED CHANGES TO THE
LEGISLATIVE RULES**

Background

The current version of the Legislative Rules for the WV State Athletic Commission became effective on July 10, 2002. The Athletic Commission filed proposed changes to the Rules on May 20, 2009 with the WV Secretary of State. The public comment period ran from May 20, 2009 through June 22, 2009. The Commission timely received six sets of comments and considered all timely comments regardless of whether they were submitted by letter or e-mail. Two sets of comments were received outside the public comment period and were not considered by the Commission.

On July 2, 2009, the Athletic Commission conducted a public meeting and reviewed the comments which had been timely received. Members of the public who attended the meeting were free to discuss their viewpoints and opinions with the Commission. While the actual comments appear to be lengthy, many people raised the same issues. Consequently, the comments overlap a great deal.

The Athletic Commission's Response is set forth below. A complete set of all of the public comments is included in Appendix 1.

Comments submitted by Steven A. Allred, Chairman, WV State Athletic Commission.

Comment 1

177-1-7 7.2

Scratch the Following: "and for a minimum payment of or association."

Response – The Commission concluded that the second half of the Section 7.2 should be deleted since it was thought to be carried over from the previous version of the Legislative Rules. In

addition, the language tends to contradict the increased levels of mandatory insurance which must be provided to all boxers.

Section 7.2 will be revised to read as follows.

7.2. Coverage. -- Insurance coverage shall provide for reimbursement to the athlete for medical, surgical and hospital care with a ~~maximum limit of five thousand dollars (\$5000)~~ minimum coverage of twenty thousand dollars (\$20,000) per participant for injuries sustained while participating in any sanctioned boxing event under the control of a licensed promoter, club, corporation or association ~~and for a minimum payment of two thousand five hundred dollars (\$2,500) to the estate of any deceased athlete where the death is caused by injuries received during the course of an event in which the licensed athlete participated under the promotion of any licensed promoter, club, corporation or association.~~

Comment 2

177-1-11 11.4

Add the Following: "or, to any event sanctioned by any other amateur boxing governing body approved by the United States Olympic Committee."

Response – The Commission agreed to the comment and Section 11.4 will be revised to read as follows.

11.4. Amateur boxers.– No person under the age of eighteen (18) shall be allowed to appear as an amateur boxer in any event sanctioned by the Commission. This age limit for amateur boxers shall not apply to any event sanctioned by USA Boxing or to any event sanctioned by any other amateur boxing governing body approved by the United States Olympic Committee.

Comment 3

177-1-30 30.4

Modify Proposal: "...at least one (1) ambulance, plus two (2) emergency medical technicians (EMT's), or additionally qualified individuals, present until the conclusion of the final bout."

Response – The Commission and the members of the public in attendance discussed the level of medical attention which should be provided at ringside to all boxers. The Commission agreed to revise Section 30. 4 to read as follows.

30.4. Attendant required. -- A physician shall attend at ringside until the conclusion of the final bout ;. In addition, the promoter shall have at least one (1) ambulance and plus two (2) paramedics Emergency Medical Technicians– Intermediate (EMT I's) or individuals with greater medical qualifications present until the conclusion of the final bout.

Comment 4

177-1-36 36.6

Modify Proposal: "If the round ends during the count the timekeeper shall **not** sound the gong; however, the referee shall continue the count..."

Response – The Commission was concerned that sounding the gong could interrupt the count at the end of the round. The purpose of this rule change is to clarify that a boxer may only be “saved by the bell” at the end of the last scheduled round of a boxing match. The Commission agreed to revise Section 36.6 to read as follows.

36.6. Saved by the bell. -- If the round ends during the count, the timekeeper shall not sound the gong once thus indicating the termination of the round and that the contestant who is down has not been counted out ; however, the referee shall continue the count. Any contestant who fails to rise before the conclusion of the count shall be declared to be defeated and the opponent shall be declared the winner of the contest. A contestant may only be saved by the bell at the conclusion of the final scheduled round of the bout.

Comment 5

177-1-50 50.1

Modify Proposal: "Every Professional boxer must submit evidence to the Commission that the boxer is..."

Response – As proposed, Section 50.1 specifies that all boxers must submit medical testing information to the Commission prior to being allowed to box. There was a general discussion concerning whether the medical testing requirements would apply to all boxers or only apply to professional boxers. The Commission decided that the medical testing requirements set forth in Section 50.1 would only apply to professional boxers. The Commission agreed to revise Section 50.1 to read as follows.

50.1 Every professional boxer must submit evidence to the Commission that the boxer is free of Human Immunodeficiency Virus (HIV) and proof of passing a Hepatitis B and a Hepatitis C virus test. The Athletic Commission will only accept laboratory results that are no older than twelve (12) months.

Comment 6

177-1-50 50.2

Modify Proposal: "Every female boxer who desires to compete in a semi – professional boxing event must submit a negative pregnancy test to the Athletic Commission..."

Response– Comment 6 would limit the pregnancy test requirement to females who participate in Toughman style tournaments only. As proposed, Section 50.2 requires every female boxer to submit evidence that she is not pregnant prior to being allowed to box. There was a general discussion concerning whether the negative pregnancy test requirement should only apply to semi-professional boxers who participate in a Toughman style competition or to all female boxers. In addition, there was a discussion concerning the fact that some girls may become pregnant at a very young age– such as 12 years old. Both the Commission and the members of the public agreed that pregnant women should not box. The testing requirement should also apply to any young girls who participate in boxing events sanctioned by USA Boxing. Finally, the Commission agreed to correct a typographical error in the numbering of Section 50.2.

The Commission rejected the comment and revised Section 50. 2 to read as follows.

50.2 Every female boxer must submit a negative pregnancy test to the Athletic Commission. The test must be no older than 14 days prior to the date of the boxing match. Female boxers who participate in USA Boxing sanctioned events must also submit a negative pregnancy test to the Athletic Commission.

Comments submitted by Jerry Thomas, WV Toughman dated June 17, 2009

Comment 7

I would like to request that the HIV test requirements be clarified and as I understand are to pertain to professional boxers only. This is very important !

Response – Comment 7 raises the same issue as in Comment 5 above. The Athletic Commission agreed with the point raised in the comment and limited the HIV and other medical testing requirements imposed pursuant to proposed Section 50.1 to professional boxers.

Comment 8

177-1-7; 7.1 and 7.2 are confusing and I believe that the second part of 7.2 was originally and still remains a typographical error....I would like to recommend that the AD&D coverage and the death benefit be clarified and ONLY require one amount, which is clearly listed in 7.1.

Response– Comment 8 raises the same issue as in Comment 1 above. The Athletic Commission agreed with the point raised in the comment and revised Section 7.2 as noted above.

Comment 9

The "Chief Official" should also be clarified, as the current and proposed rules state that the "referee" is the chief official and then later the "Chief Deputy" is named as the "Chief Official" We all know that the "Chief Deputy" is in charge in the absence of a Commissioner

Response– The Commission accepted the comment and agreed to revise Section 33.4(a) to read as follows.

33.4(a) General. -- Subject to the supervision of Commission members or Deputy Commissioners, the The chief official of the contest shall be the referee who shall have general supervision over bouts and take his place in the ring. ~~He shall be paid seventy-five dollars (\$75.00) one hundred fifty dollars (\$150.00) per night by the promoter.~~

Comments from Chris Smith, Rough N' Rowdy Brawl submitted June 17, 2009

Comment 10

Why are your proposed rules only allowing semi-pro contestants to win just 1 tournament?

Response– Under the current rules, semi-professional boxers who compete in Toughman style tournaments are limited to two championships in the same weight class. *See* Section 45.6, which will be deleted under the proposed rule. The proposed rule would limit semi-professional boxers to only one tournament championship regardless of weight class. *See* Section 2a.2.

Members of the Commission were concerned with Toughman style competitors accumulating significant fight experience in actual boxing matches (as opposed to practice time in a gymnasium with only a sparring partner) who would have a significant skill advantage over other boxers with limited ring experience. Promoters were concerned with Toughman style competitors who would be forced to become professional boxers prematurely due to the lack of sufficient ring experience. Both Members of the Commission and the Promoters were concerned with boxers being able to develop a fan base or following in various fights. Both Members of the Commission and the Promoters expressed concerns with the safety of boxers.

All people present at the meeting were concerned that both the current rule and the proposed rule would prohibit West Virginia from hosting national championships or world championship Toughman style events.

The Athletic Commission decided to limit Toughman style competitors to two championships regardless of weight class; but, to allow Toughman style competitors to compete in five additional bouts outside of the Toughman style format. The Commission also agreed to modify the rule to allow West Virginia to host national championships or world championship Toughman style events. The Commission agreed to modify Section 2a to read as follows.

2a.1. Classification of Boxers– The categories of amateur boxer, semi-professional boxer, and professional boxer, shall be mutually exclusive categories except as allowed in Section 2a.2.

2a.2. General Application– A boxer who competes in any Toughperson style elimination tournament as outlined in Section 45 of these regulations shall be limited to competing as an amateur boxer in five

subsequent events sanctioned by the Athletic Commission. Any boxer who wins two Toughperson style elimination tournaments as outlined in Section 45 of these regulations shall be prohibited from subsequently competing in additional Toughperson style tournaments. These prohibitions shall be effective regardless of whether the boxer attempts to subsequently compete in the same or a different weight class from the weight class in which he competed or won in the Toughperson style tournaments.

2a.3 Waiver Permitted– The Athletic Commission shall have the discretion to waive the limitation of a two championship limit for semi-professional boxers set forth Section 2a.2 for any Toughperson style national championship or world championship event sanctioned by the Commission and to be conducted in this State.

Comment 11

Your proposed rules are written in a way that would require all professional, amateur and semi-pro contestants to get HIV, HEP B and C testing. Are you going to change the way the proposed rules are written so amateur and semi-pros do not have to be tested?

Response– Comment 11 raises the same issue regarding Section 50.1 as Comment 5 above. The Athletic Commission accepted the comment and decided to limit the medical testing to professional boxers only.

Comments from Matt McCCase, Owner, Power Promotions submitted June 19, 2009

Comment 12

Steve I have done quite a bit of research over the past few days on this subject from commission rules and state laws. I have come to find out that it is simply not the case that if a competitor competes for money than he is not considered an amateur but yet if he would win then he would be considered in PRO status after winning one time. I forwarded you the rules from NC as just one of the many reference points I found. Steve if the rule stating that any athlete competing in Toughman Bouts cant compete on one night shows goes through I cant explain the devastating impact that would have on my shows and others. Boxers in other states can have up to 10 amateur bouts and still compete in Toughman. I would suggest that we keep track of the bouts of these fighters. We follow every USA Boxing rule when these athletes come to compete therefore it is an amateur bout its just not sanctioned. We really need to set down and discuss this further before the books close on this subject and someone actually passes that law. Every other rule you suggested is basically just catching us up to everyone else. I urge you to ask for an extension on these rules so that we all can get together to discuss them.

Comment 12 also included a copy of a relevant North Carolina statute.

Response– Comment 12 raises the same issues discussed in Comment 10. The Athletic Commission accepted the substance of Comment 12 and allowed Toughman style boxers to compete in five amateur bouts outside the Toughman style format in order to gain ring experience. *See* Section 2a in Comment 10 above.

Comments from Chris Smith, Rough N' Rowdy Brawl dated April 23,2009

Comment 13

Steve,

I am very concerned about one of the proposed rule changes you mentioned to me Tuesday. My biggest concern is the potential rule changes relating to semi-pro elimination events and how it will affect the safety of the fighters and hurt my promotion.

The law currently allows a contestant to win 2 tournaments in his or her weight class. Your proposed rule changes will restrict it so a contestant would only be allowed to win one tournament. It will hurt the fighter because he will be forced to either never fight again or turn pro prematurely.

Most of these 1-time champions have only had a few training sessions in their basement or their garage and not a real boxing gym. Most of my women champions have only fought 1 or 2 times to win a title. Forcing these fighters to turn pro after a weekend of fighting is scary. They are definitely not ready to fight 4 three minute rounds against a skilled professional where they could get seriously hurt or even killed.

This change will cause great harm to my event and all semi-pro events in West Virginia as fighters and fans will lose interest. I have spoken to several fighters and fans and they all agree.

I know you and Steve Simon would like to see more pros but we should not force them to prematurely turn pro when they are not seasoned enough as amateurs.

I know you are upset with Jerry Thomas over his desire to have mixed martial arts in West Virginia but please be aware that these changes will hurt me as well.

These events have been run very well in West Virginia for a very long time. Safety has always been top priority with everyone.

6/18/2009

Page 2 of 2

I would like to be notified in advance of any meetings with the commission regarding any rule changes as I would like to voice my opinion.

Thanks, Chris Smith

Response— Comment 13 was submitted prior to the proposed rule being published for public comment and should not be considered. Nevertheless, Comment 13 provides more detail to the same issue raised in Comment 10 which was submitted timely on June 17, 2009 by Mr. Smith. Another promoter raised many of these same points at the July 2, 2009 public meeting that Mr. Smith raised in Comment 13.

The Athletic Commission accepted the substance of Comment 10 submitted by Mr. Smith during the comment period and allowed Toughman style boxers to compete in five amateur bouts

outside the Toughman style format in order to gain ring experience. *See* Section 2a in Comment 10 above.

Comments from Chris Smith, Rough N' Rowdy Brawl dated June 11, 2009

Comment 14

NEW CHANGE:

§177-1-50 Medical Testing Requirements.

50.1 Every boxer must submit evidence to the Commission that the boxer is free of Human Immunodeficiency Virus (HIV) and proof of passing a Hepatitis B and a Hepatitis C virus test. The Athletic Commission will only accept laboratory results that are no older than twelve (12) months.

I need clarification on blood work for all boxers. Is this just for pros or does it pertain to amateur and semi-pro contestants as well? Blood work is very costly and time consuming and can cost more than \$300 per contestant. If required for all amateur, semi-pro and pro boxers, this will not only hurt all boxing events but the overwhelming time and costs for the testing will shut down semi-pro events in West Virginia which average nearly 100 contestants per event.

Response– Comment 14 raises the same issue raised in Comment 5 above. The Athletic Commission accepted the substance of the Comment 14 and limited the HIV and other medical testing requirements set forth in Section 50.1 to professional boxers only.

Comment 15

NEW CHANGE:

§177-1-49. Officials Fees.

49.1. Day of show Chief Deputy or Deputy in Charge (was \$75.00) \$150.00.

49.2. Judges (was \$50) \$100.00 per day.

49.3. Time Keeper (was \$50) \$100.00 per day.

49.4. Referee (was \$75) \$150.00 per day.

49.5. Inspectors (was \$50) \$100.00 per day.

Why are you doubling the fees? You are making it very difficult to conduct business here in WV. Whatever happened to West Virginia's "open for business"?

You have stated: The proposed amendments will not affect any receipts or expenditures of state funds. Currently, the fight officials are paid by the fight promoters and not the Athletic Commission. The proposed increase in fees to be paid to fight officials will be paid by the fight promoters.

This may not affect the state funds directly but I promise you there will be less: it shows in WV due to the increase in fees. That means less sales tax, less B&O tax, less amusement tax, less boxer licensing fees, etc. And with less shows, that means less people going out to restaurants, less spending money on gas, cigarettes and beer. Less money being spent on radio, television, and newspaper advertising. Yes it does affect the state funds indirectly. All of the hardworking promoters in WV already have many hidden costs that are associated with promoting. High insurance rates, advertising & marketing, boxer purse fees, boxing officials, ambulance and EMT's, ringside physicians, security, police, ticketing, building rentals, equipment fees, etc. Not to mention one big snow or rain could wipe out a show's attendance. These fee increases are tough on all promoters in this down economy. This is not a time to increase fees. There will definitely be less boxing events in West Virginia as a result. One suggestion is to use local boxing officials from the area of the state where the event is being held.

NEW CHANGE:

(a) General. -- The chief official of the contest shall be the referee who shall have general supervision over bouts and take his place in the ring. He shall be paid (was seventy-five dollars \$75.00) one hundred fifty dollars (\$150.00) per night by the promoter.

I need some clarity here. Does the chief official who is also the referee get paid twice? So someone titled "chief official" (\$150) who is the referee (\$150) will be making \$600 at one of my two night events. Yikes! Very expensive in this bad economy! Also what exactly does the "chief official" do? I never really understood his or her duties.

Response-- Comment 15 raises the question concerning why the required fees to be paid to boxing officials are doubled. Other members of the public raised this concern as well.

After a general discussion of the issue, the Athletic Commission agreed to increase the fees paid to all fight officials by \$ 25.00 for events which have up to thirty rounds. Fees paid to officials for events which have more than thirty rounds will be doubled as originally proposed. The Commission agreed to revise Section 49 to read as follows.

§177-1-49. Officials Fees.

49.1. Day of show Chief Deputy or Deputy in Charge ~~\$75.00~~

Up to Thirty Rounds \$ 100.00 per day

More than thirty rounds \$ 150.00 per day

49.2. Judges ~~\$50.00~~

Up to Thirty Rounds \$ 75.00 per day

More than thirty rounds \$ 100.00 per day

49.3. Time Keeper ~~\$50.00~~

Up to Thirty Rounds \$ 75.00 per day

More than thirty rounds \$ 100.00 per day

49.4. Referee ~~\$75.00~~

<u>Up to Thirty Rounds</u>	<u>\$ 100.00 per day</u>
<u>More than thirty rounds</u>	<u>\$ 150.00 per day</u>

49.5. Inspectors ~~\$50.00~~

<u>Up to Thirty Rounds</u>	<u>\$ 75.00 per day</u>
<u>More than thirty rounds</u>	<u>\$ 100.00 per day</u>

Comment 16

NEW CHANGE:

2.9. "Semi Professional" -- means a boxer who competes in an elimination-style tournament as outlined in Section 45 of these regulations. Semi-professional boxers may only compete in elimination-style tournaments and are prohibited from engaging in exhibition matches (demonstration events) with other boxers.

What's this rule about? You told me several days ago that you, Doug Pauley and Steve Simon want me to meet you guys at Harding's Restaurant tonight because you would like to see me co-promote with Simon. You said my involvement would be adding Rough N' Rowdy semi-pro exhibition matches oil the undercard of Steve Simon's pro card? You are clearly contradicting the new rule you're trying to pass. I'm not interested with co-promotions with anyone at this time.

NEW CHANGE:

2a.2. General Application--A boxer who competes in any Toughperson style elimination tournament as outlined in Section 45 of these regulations shall be prohibited from subsequently competing as an amateur boxer in any event sanctioned by the Athletic Commission. Any boxer who wins a Toughperson style elimination tournament as outlined in Section 45 of these regulations shall be prohibited from subsequently competing in additional Toughperson style tournaments. These prohibitions shall be effective regardless of whether the boxer attempts to subsequently compete in the same or a different weight class from thii3 weight class in which he competed or won in the Toughperson style tournament.

The law currently allows a contestant to win 2 tournaments in his or her weight class. Your proposed rule changes will restrict it so a contestant would only be allowed to win one tournament. This rule will hurt the fighter because he will be forced to either never fight again or turn pro prematurely.

Most of these 1-time champions have only had a few training sessions in their basement or their garage and not a real boxing gym. Most of my women champions have only fought 1 or 2 times to win a title. Forcing these fighters To turn pro after a weekend of fighting is scary. They are definitely not ready to fight 4 three minute rounds against a skilled professional where they could get seriously hurt or even killed.

I know you and Steve Simon would like to see more pros as you both have expressed but you should not force them to prematurely turn pro when they ire not seasoned enough as amateurs. Safety of the fighters should be everyone's top priority.

Response— Comment 16 raises the same issued previously raised by Mr. Smith in Comment 10 above. The Commission accepted the substance of Comment 16 and agreed to allow Toughman style boxers to participate in five amateur boxing matches subsequent to participating in a Toughman style tournament.

Comments from Ernie Boggs received July 1, 2009

Comment 17

Steve,

Unfortunately I am currently in Orlando, Florida attending the ISJA Sport Jujitsu World Championships and will not be able to attend the meeting you have arranged.

As of today (July 1, 2009) we have just over nine thousand men, women and children representing 32 different countries pre-registered to participate in this event. Need I remind you that this very event started in South Charleston, WV (1996) and could be taking place there this weekend if not for You and the WV Athletic Commission. In these very difficult financial times the good people of WV could be benefitting from the revenue this event will produce for area businesses. Unfortunately they will have to settle for watching it on TV while the people of Orlando reap the benefits.

It is estimated that as many as 15,000 people will be attending this event here in Florida and it sickens me that my state (WV) where it all began, has been denied this opportunity. It is absolutely beyond my comprehension how you can allow your friend Jerry Thomas to promote "Toughman" (a contest of thugs) in West Virginia and prohibit an event that Walt Disney World has accepted with open arms??

I have been banging heads with you since 2001, trying to get you and the WV Athletic Commission to educate yourselves about Sport Jujitsu with no success. Something MUST be done, changes MUST be made so I plead with you once more to open your eyes and give the sport that was created in West Virginia back to the people who deserve it most!

Sincerely,

Ernie Boggs

www.ErnieLightfootBoggs.com

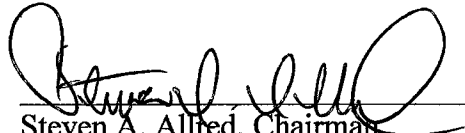
PO Box 566 - Nitro, WV 25143 304 421-6571

Response— Comment 17 was received after the public comment period had closed and was not considered by the Athletic Commission. The substantive issue in Comment 17 was not raised by any other individual during the public comment period.

On July 24, 2009, the West Virginia State Athletic Commission conducted a public meeting and reviewed the above Response To Public Comments. Three Commission members were present. The Athletic Commission unanimously approved the Response after correcting a few minor typographical errors. This submitted version includes the corrections.

Respectfully submitted,

7-24-2009
Date Submitted



Steven A. Allred, Chairman
WV State Athletic Commission

**RESPONSE OF THE
WEST VIRGINIA STATE ATHLETIC COMMISSION
TO PUBLIC COMMENTS RECEIVED
FOR THE PROPOSED CHANGES TO THE
LEGISLATIVE RULES**

APPENDIX 1

A complete copy of all public comments which were received by the Athletic Commission is attached.

**Athletic Commission
Proposed Rule Changes
Suggestions / Modifications**

177-1-7 7.2

Scratch the Following: “and for a minimum payment of.....or association.”

177-1-11 11.4

Add the Following: “or, to any event sanctioned by any other amateur boxing governing body approved by the United States Olympic Committee.”

177-1-30 30.4

Modify Proposal: “...at least one (1) ambulance, plus two (2) emergency medical technicians (EMT’s), or additionally qualified individuals, present until the conclusion of the final bout.”

177-1-36 36.6

Modify Proposal: “If the round ends during the count the timekeeper shall not sound the gong; however, the referee shall continue the count...”

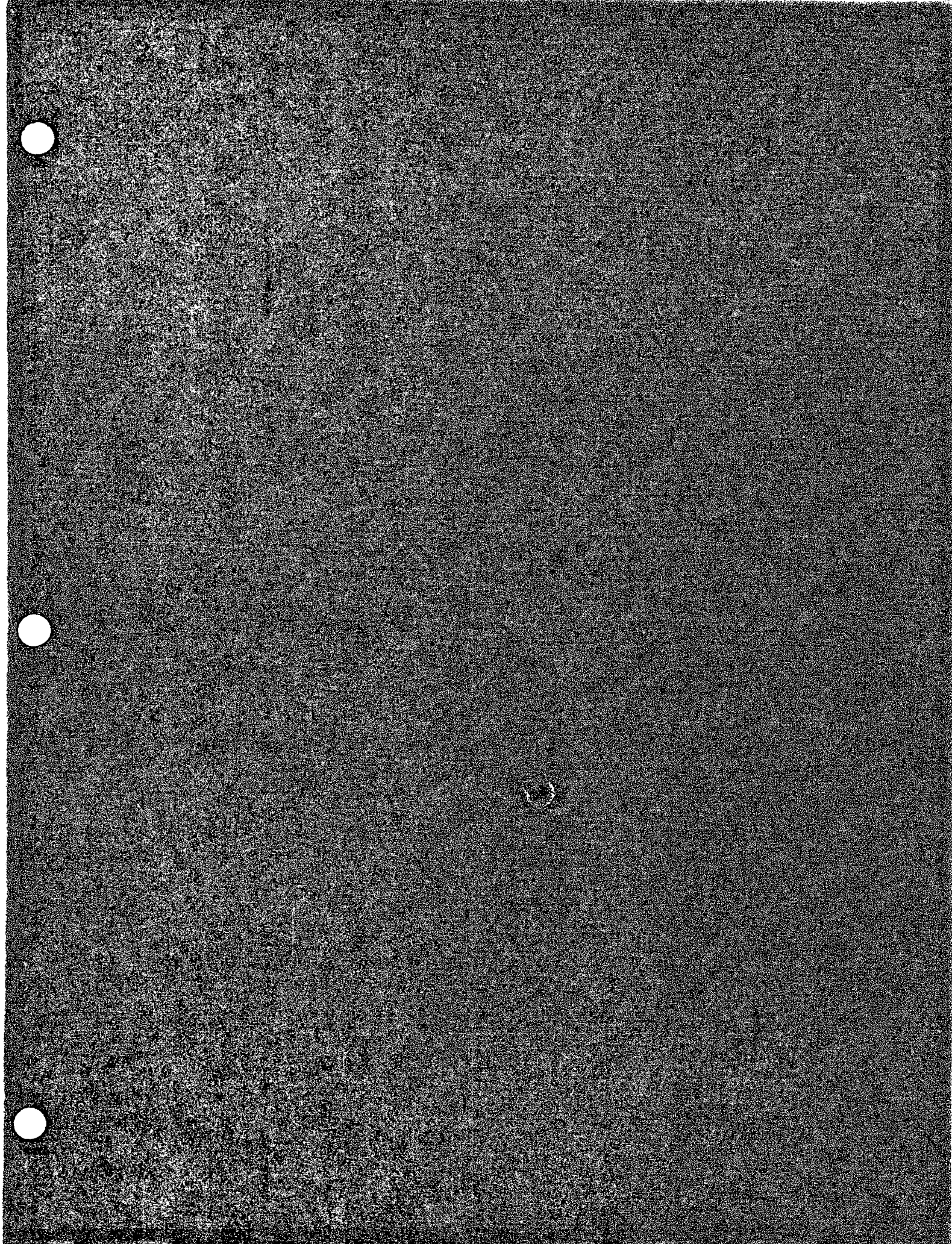
177-1-50 50.1

Modify Proposal: “Every Professional boxer must submit evidence to the Commission that the boxer is...”

177-1-50 50.2

Modify Proposal: “Every female boxer who desires to compete in a semi – professional boxing event must submit a negative pregnancy test to the Athletic Commission...”

NOTE: The amount paid to inspectors, judges, and / or referees should likely be looked at by all the Commission members, as the proposed increase doubles the current rate. I believe an increase is in order, but to come up with a “right amount” is difficult.



Steven A. Allred

From: "Jerry Thomas" <jerry@wvtoughman.com>
To: "Steven A. Allred" <steve@wvboxing.org>
Cc: <stevenallred@yahoo.com>
Sent: Wednesday, June 17, 2009 9:44 PM
Subject: Rules Changes
Steve,

I just had a chance to read the proposed rule changes and I have a few comments;

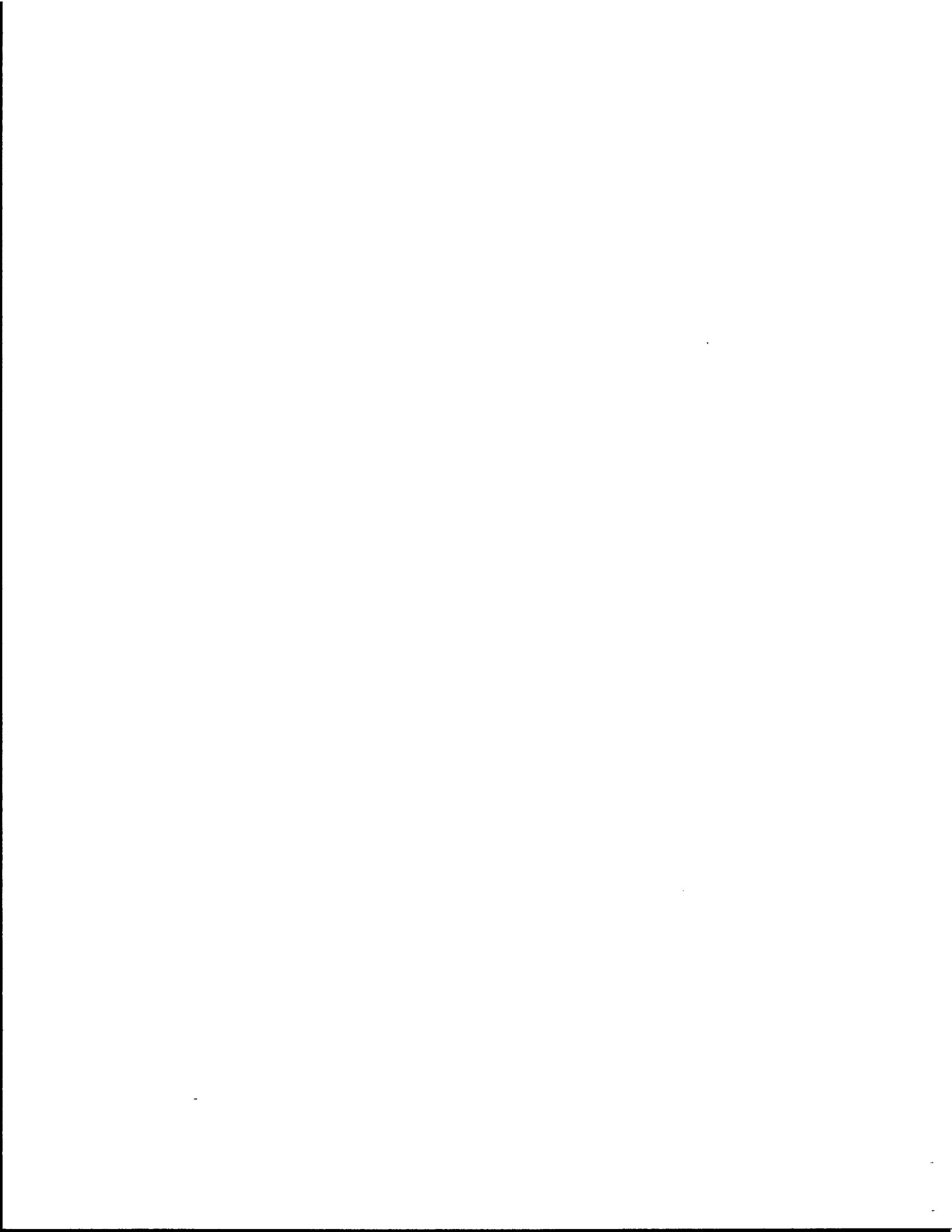
1. I would like to request that the HIV test requirements be clarified and as I understand are to pertain to professional boxers only. This is very important !
2. 177-1-7; 7.1 and 7.2 are confusing and I believe that the second part of 7.2 was originally and still remains a typographical error....I would like to recommend that the AD&D coverage and the death benefit be clarified and **ONLY** require one amount, which is clearly listed in 7.1
3. The "Chief Official" should also be clarified, as the current and proposed rules state that the "referee" is the chief official and then later the "Chief Deputy" is named as the "Chief Official" We all know that the "Chief Deputy" is in charge in the absence of a Commissioner.....

Please call me if you would like to discuss these comments.

Thank You,

Jerry

Jerry Thomas, President
West Virginia Sports Promotions, Inc.
948 W. Pike Street
Clarksburg, WV 26301
jerry@wvtoughman.com
304-623-0832 Phone
304-623-0837 Fax
304-672-0832 Cell



Steven A. Allred

From: "Rough N Rowdy Brawl" <csmith@boxingcontest.com>
To: <steve@wvboxing.org>; "Steve Allred" <stevenallred@yahoo.com>; <WVComish@aol.com>
Sent: Wednesday, June 17, 2009 5:58 PM
Subject: WV BOXING LAW CHANGES
Steve,

I just got back in town. I got your email and you did not answer any of my concerns.

Why are your proposed rules only allowing semi-pro contestants to win just 1 tournament?

Your proposed rules are written in a way that would require all professional, amateur and semi-pro contestants to get HIV, HEP B and C testing. Are you going to change the way the proposed rules are written so amateur and semi-pros do not have to be tested?

Chris Smith

ROUGH N' ROWDY BRAWL

800-597-8624

304-925-2462 (Fax)

csmith@boxingcontest.com



**Amateur status**

Friday, June 19, 2009 7:59 AM

From: "Matt Mccase" <mccase@yahoo.com>

To: "S A" <stevenallred@yahoo.com>

Steve I have done quite a bit of research over the past few days on this subject from commission rules and state laws. I have come to find out that it is simply not the case that if a competitor competes for money than he is not considered an amateur but yet if he would win then he would be considered in PRO status after winning one time. I forwarded you the rules from NC as just one of the many reference points I found. Steve if the rule stating that any athlete competing in Toughman Bouts cant compete on one night shows goes through I cant explain the devastating impact that would have on my shows and others. Boxers in other states can have up to 10 amateur bouts and still compete in Toughman. I would suggest that we keep track of the bouts of these fighters. We follow ever USA Boxing rule when these athletes come to compete therefore it is an amateur bout its just not sanctioned. We really need to set down and discuss this further before the books close on this subject and someone actually passes that law. Every other rule you suggested is basically just cathing us up to everyone else. I urge you to ask for an extention on these rules so that we all can get together to discuss them.

14A NCAC 12 .0701 TOUGHMAN MATCH

Contestants and officials in toughman events shall comply with Rules .0201, .0301, and .0402 of this Chapter, except for the following exceptions or additional rules:

- (1) Each contest shall be limited to three one-minute rounds.
- (2) Each contest shall be scored by the 10 point must system as outlined in Rule .0503 of this Chapter.
- (3) There shall be four weight classifications: lightweight (up to but not over 140 pounds); middleweight (over 140 pounds to but not over 160 pounds); light heavyweight (over 160 pounds to but not over 185 pounds); and heavyweight (over 185 pounds).
- (4) Boxing gloves weighing a minimum of 16 ounces shall be worn by all contestants.
- (5) Headgear and abdominal and groin protectors, provided by the promoter, shall be worn by all contestants.
- (6) The seconds shall use clean towels and mouth pieces for each match.
- (7) All equipment shall be inspected by the referee or the Division representative to insure that it provides for the safety of the contestants, and does not give either contestant an unfair advantage.
- (8) A contestant shall not participate in more than four matches in the same calendar day. The ringside physician shall check and record a contestant's blood pressure prior to each program of matches.
- (9) A contestant shall not be allowed to compete in a toughman match if he has:
 - (A) Been a competitor in professional boxing, kickboxing or mixed martial arts: or
 - (B) Been a winner of more than five amateur boxing, kickboxing or mixed martial arts or toughman matches or more than five of any combination of amateur boxing, kickboxing or mixed martial arts or toughman matches.
- (10) Competing for or winning a prize in a toughman contest shall not, in itself, make the contestant a professional within the scope of the rules in this Chapter.

History Note: Authority G.S. 143-652.1;

Temporary Adoption Eff. January 1, 1996;

Recodified from 18 NCAC 9 .0109 Eff. April 1, 1996;

Eff. May 1, 1996;

Transferred and recodified from 18 NCAC 9 effective November 8, 2002;

Amended Eff. October 1, 2004;

Amended Eff. March 1, 2008 (recodified from 14A NCAC 12 .0117).

Matt McCase
Power Promotions, owner



Steven A. Allred

From: "Rough N Rowdy Brawl" <csmith@boxingcontest.com>
To: <steve@wvboxing.org>; "Rough N Rowdy Brawl" <csmith@boxingcontest.com>
Cc: <stevenallred@yahoo.com>; <WVComish@aol.com>
Sent: Thursday, April 23, 2009 8:44 PM
Subject: Re: Proposed Rule Changes

I sent this to you earlier today but I doubt you got it because my email account has been screwed up until now. Please confirm if you get this.

Thanks,

Chris Smith

ROUGH N' ROWDY BRAWL

800-597-8624

304-925-2462 (Fax)

csmith@boxingcontest.com

On Thu Apr 23 20:41 , Rough N Rowdy Brawl sent:

Steve,

I am very concerned about one of the proposed rule changes you mentioned to me Tuesday. My biggest concern is the potential rule changes relating to semi-pro elimination events and how it will affect the safety of the fighters and hurt my promotion.

The law currently allows a contestant to win 2 tournaments in his or her weight class. Your proposed rule changes will restrict it so a contestant would only be allowed to win one tournament. It will hurt the fighter because he will be forced to either never fight again or turn pro prematurely.

Most of these 1-time champions have only had a few training sessions in their basement or their garage and not a real boxing gym. Most of my women champions have only fought 1 or 2 times to win a title. Forcing these fighters to turn pro after a weekend of fighting is scary. They are definitely not ready to fight 4 three minute rounds against a skilled professional where they could get seriously hurt or even killed.

This change will cause great harm to my event and all semi-pro events in West Virginia as fighters and fans will lose interest. I have spoken to several fighters and fans and they all agree.

I know you and Steve Simon would like to see more pros but we should not force them to prematurely turn pro when they are not seasoned enough as amateurs.

I know you are upset with Jerry Thomas over his desire to have mixed martial arts in West Virginia but please be aware that these changes will hurt me as well.

These events have been run very well in West Virginia for a very long time. Safety has always been top priority with everyone.

6/18/2009

I would like to be notified in advance of any meetings with the commission regarding any rule changes as I would like to voice my opinion.

Thanks,

Chris Smith

ROUGH N' ROWDY BRAWL

800-597-8624

304-925-2462 (Fax)

csmith@boxingcontest.com



YAHOO! MAIL**Re: URGENT: WV BOXING LAW CHANGES**

Thursday, June 11, 2009 5:16 PM

From: "steve@wvboxing.org" <steve@wvboxing.org>

To: "Chris Smith" <csmith@boxingcontest.com>, "Steve Allred" <stevenallred@yahoo.com>, wvcomish@aol.com, "Jerry Thomas" <jerry@wvtoughman.com>, jerry@hardknockscafeights.com, ramseypetro@rtol.net, "Brian Simpson" <briansimpson87@hotmail.com>, "Lionell Royer" <squaredcircle1@msn.com>, ssimonpromo@hotmail.com, "Matt McCase" <mccase@yahoo.com>, governor@wvgov.org, vhelton@tax.state.wv.us

Cc: "Doug Pauley" <depdeveloper@aol.com>

Chris, first congratulations go out to your sister on the new baby. Additionally, yes, I did inform you a copy of the proposed rules would be sent to when I received them. I did not receive a copy of the newly proposed rules - only a phone call informing me they had been filed. It was my oversight not to contact you re the filing, and for that I apologize. Also, re your reference to a "commission meeting" at edgewood - doug pauley and I met w/ steve simons to discuss the possibility of conducting more events in the charleston area. This was NOT a commission mtg! Nor is any mtg at hardings a commission meeting. The intent is meet w/steve and continue discussions on future professional boxing events in the charleston area. It is my understanding steve is facing difficulty in finding / recruiting "local" fighters (which a promoter needs to sell tickets) to compete in the events. We felt with your experience / knowledge in this area that the two of you would be a good match to work together. If you are not interested in this I could certainly understand.

With your email this is the FIRST time I have looked at the rules submitted - and I see an error in one of the submissions already. I would be happy to sit down with you at anytime and discuss any / all of the proposed changes - just give me a call. I look forward to speaking with you and to continue seeing boxing grow in West Virginia. Thanks

Steve

Sent via BlackBerry by AT&T

From: Rough N Rowdy Brawl**Date:** Thu, 11 Jun 2009 15:49:04 -0400

To: <stevenallred@yahoo.com>; <steve@wvboxing.org>; <wvcomish@aol.com>; <jerry@wvtoughman.com>; <jerry@hardknockscafeights.com>; <ramseypetro@rtol.net>; <briansimpson87@hotmail.com>; <squaredcircle1@msn.com>; <ssimonpromo@hotmail.com>; <mccase@yahoo.com>; <governor@wvgov.org>; <vhelton@tax.state.wv.us>

Subject: URGENT: WV BOXING LAW CHANGES

Steve,

I cannot make it to Harding's Restaurant tonight for the WV Athletic Commission meeting with you, Doug Pauley and Steve Simon. My sister just had a baby and I'm going to be out of town. I'm sorry I missed the last Commission meeting at Edgewood Country Club a couple of weeks ago with you all but you did just give me a couple hours notice.

I'm very disappointed that you did not send me a copy of the proposed rule changes when you filed them on May 20. 19 days have already passed on the 30 day public comment period and nobody knows anything about it. There is only 11 more days left for public comment. You told me on Apr. 23 that you would send them to me when available. The other day when you sent me

emails between you and Ernie Boggs fighting over MMA, I decided to research for any proposed rule changes on my own.

I found it very difficult to find your proposed rule changes on the Secretary of State's website under the State Register. I had to dig deep. I think you should put your proposed changes on the www.wvboxing.org website so everyone can have a chance to send comments concerning your proposed rules. Maybe you should post everyone's comments as well since this process is supposed to be "public". I would like to also suggest that you include contact information on the WV Athletic Commission website such as phone numbers and emails for the remaining 4 Athletic Commissioners as I am sure everyone would like to communicate with them and discuss their views about the new proposed changes.

I am going to mail you my comments by letter to your Julian address to make it official. However, I would like to share with everyone "publicly" what concerns me.

These changes affect everyone - all promoters and all fighters in WV.

The comment period ends on **JUNE 22 AT 5:00 PM.**

(<http://www.wvsos.com/adlaw/proposed/177-01.pdf>)

NEW CHANGE:

§177-1-50 Medical Testing Requirements.

50.1 Every boxer must submit evidence to the Commission that the boxer is free of Human Immunodeficiency Virus (HIV) and proof of passing a Hepatitis B and a Hepatitis C virus test. The Athletic Commission will only accept laboratory results that are no older than twelve (12) months.

I need clarification on blood work for all boxers. Is this just for pros or does it pertain to amateur and semi-pro contestants as well? Blood work is very costly and time consuming and can cost more than \$300 per contestant. If required for all amateur, semi-pro and pro boxers, this will not only hurt all boxing events but the overwhelming time and costs for the testing will shut down semi-pro events in West Virginia which average nearly 100 contestants per event.

NEW CHANGE:

§177-1-49. Officials Fees.

49.1. Day of show Chief Deputy or Deputy in Charge (was \$75.00) \$150.00.

49.2. Judges (was \$50)\$100.00 per day.

49.3. Time Keeper (was \$50) \$100.00 per day.

49.4. Referee (was \$75) \$150.00 per day.

49.5. Inspectors (was \$50) \$100.00 per day.

Why are you **doubling** the fees? You are making it very difficult to conduct business here in WV. Whatever happened to West Virginia's "open for business"?

You have stated: The proposed amendments will not affect any receipts or expenditures of state funds. Currently, the fight officials are paid by the fight promoters and not the Athletic Commission. The proposed increase in fees to be paid to fight officials will be paid by the fight promoters.

This may not affect the state funds directly but I promise you there will be less shows in WV due to the increase in fees. That means less sales tax, less B&O tax, less amusement tax, less boxer licensing fees, etc. And with less shows, that means less people going out to restaurants, less spending money on gas, cigarettes and beer. Less money being spent on radio, television, and newspaper advertising. **Yes it does affect the state funds indirectly.**

All of the hardworking promoters in WV already have many hidden costs that are associated with promoting. High insurance rates, advertising & marketing, boxer purse fees, boxing officials, ambulance and EMT's, ringside physicians, security, police, ticketing, building rentals, equipment fees, etc. Not to mention one big snow or rain could wipe out a show's attendance.

These fee increases are tough on all promoters in this down economy. **This is not a time to increase fees.** There will definitely be less boxing events in West Virginia as a result. One suggestion is to use local boxing officials from the area of the state where the event is being held.

NEW CHANGE:

(a) General. -- The chief official of the contest shall be the referee who shall have general supervision over bouts and take his place in the ring. He shall be paid (was seventy-five dollars \$75.00) one hundred fifty dollars (\$150.00) per night by the promoter.

I need some clarity here. Does the chief official who is also the referee get

paid twice? So someone titled "chief official" (\$150) who is the referee (\$150) will be making \$600 at one of my two night events. Yikes! Very expensive in this bad economy! Also what exactly does the "chief official" do? I never really understood his or her duties.

NEW CHANGE:

2.9. "Semi Professional" -- means a boxer who competes in an elimination-style tournament as outlined in Section 45 of these regulations. Semi-professional boxers may only compete in elimination-style tournaments and are prohibited from engaging in exhibition matches (demonstration events) with other boxers.

What's this rule about? You told me several days ago that you, Doug Pauley and Steve Simon want me to meet you guys at Harding's Restaurant tonight because you would like to see me co-promote with Simon. You said my involvement would be adding Rough N' Rowdy semi-pro exhibition matches on the undercard of Steve Simon's pro card? You are clearly contradicting the new rule you're trying to pass. I'm not interested with co-promotions with anyone at this time.

NEW CHANGE:

2a.2. General Application-A boxer who competes in any Toughperson style elimination tournament as outlined in Section 45 of these regulations shall be prohibited from subsequently competing as an amateur boxer in any event sanctioned by the Athletic Commission. Any boxer who wins a Toughperson style elimination tournament as outlined in Section 45 of these regulations shall be prohibited from subsequently competing in additional Toughperson style tournaments. These prohibitions shall be effective regardless of whether the boxer attempts to subsequently compete in the same or a different weight class from the weight class in which he competed or won in the Toughperson style tournament.

The law currently allows a contestant to win 2 tournaments in his or her weight class. Your proposed rule changes will restrict it so a contestant would only be allowed to win one tournament. This rule will hurt the fighter because he will be forced to either never fight again or turn pro prematurely.

Most of these 1-time champions have only had a few training sessions in their basement or their garage and not a real boxing gym. Most of my women champions have only fought 1 or 2 times to win a title. Forcing these fighters to

turn pro after a weekend of fighting is scary. They are definitely not ready to fight 4 three minute rounds against a skilled professional where they could get seriously hurt or even killed.

I know you and Steve Simon would like to see more pros as you both have expressed but you should not force them to prematurely turn pro when they are not seasoned enough as amateurs. Safety of the fighters should be everyone's top priority.

These changes affect everyone - all promoters and all fighters in WV. The comment period ends on **JUNE 22 AT 5:00 PM.**

Here is the link for the proposed rule changes:

<http://www.wvsos.com/adlaw/proposed/177-01.pdf>

The public comment period (ending June 22) is by "written comments only" to:
Steve Allred, Chairman
WV State Athletic Commission
318 Camp Creek Rd.
Julian, WV 25529.

Here is how the process works:

After the comment period or hearing is finished, the agency may modify the proposed rule. The agency must file within 90 days after the close of the comment period a complete copy of the rule, any comments that were received and a summary of the responses to all comments with both the Administrative Law Division for publication in Register and with Legislative Rule Making Review Committee (LRMRC).

My concerns may not be someone else's concerns. So please read the proposed rule changes for yourself and decide if you need to make a "written comment" during the public comment period as the deadline is drawing near (June 22 - less than 11 days away).

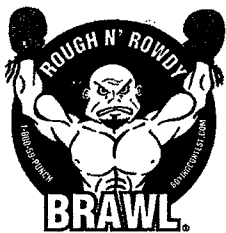
Chris Smith

ROUGH N' ROWDY BRAWL

800-597-8624

304-925-2462 (Fax)

csmith@boxingcontest.com



ROUGH N' ROWDY BRAWL

A.C.R. PROMOTIONS, INC. | P.O. BOX 4432 | CHARLESTON, WV 25364

June 21, 2009

Steve Allred, Chairman
WV State Athletic Commission
318 Camp Creek Road
Julian, WV 25529

Steve,

As a fight promoter of more than 13 years in WV, I would like to comment on the new proposed law changes.

NEW CHANGE:

§177-1-50 Medical Testing Requirements.

50.1 Every boxer must submit evidence to the Commission that the boxer is free of Human Immunodeficiency Virus (HIV) and proof of passing a Hepatitis B and a Hepatitis C virus test. The Athletic Commission will only accept laboratory results that are no older than twelve (12) months.

I need clarification on blood work for all boxers. Is this just for pros or does it pertain to amateur and semi-pro contestants as well? Blood work is very costly and time consuming and can cost more than \$300 per contestant. If required for all amateur, semi-pro and pro boxers, this will not only hurt all boxing events but the overwhelming time and costs for the testing will shut down semi-pro events in West Virginia which average nearly 100 contestants per event.

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49.5. Inspectors (was \$50) \$100.00 per day.

Why are you **doubling** the fees? You are making it very difficult to conduct business here in WV. Whatever happened to West Virginia's "open for business"?

You have stated: The proposed amendments will not affect any receipts or expenditures of state funds. Currently, the fight officials are paid by the fight promoters and not the Athletic Commission. The proposed increase in fees to be paid to fight officials will be paid by the fight promoters.

This may not affect the state funds directly but I promise you there will be less shows in WV due to the increase in fees. That means less sales tax, less B&O tax, less amusement tax, less boxer licensing fees, etc. And with less shows, that means less people going out to restaurants, less spending money on gas, cigarettes and beer. Less money being spent on radio, television, and newspaper advertising. **Yes it does affect the state funds indirectly.**

All of the hardworking promoters in WV already have many hidden costs that are associated with promoting. High insurance rates, advertising & marketing, boxer purse fees, boxing officials, ambulance and EMT's, ringside physicians, security, police, ticketing, building rentals, equipment fees, etc. Not to mention one big snow or rain could wipe out a show's attendance.

These fee increases are tough on all promoters in this down economy. **This is not a time to increase fees.** There will definitely be less boxing events in West Virginia as a result. One suggestion is to use local boxing officials from the area of the state where the event is being held.

NEW CHANGE:

(a) General. -- The chief official of the contest shall be the referee who shall have general supervision over bouts and take his place in the ring. He shall be paid (was seventy-five dollars \$75.00) one hundred fifty dollars (\$150.00) per night by the promoter.

I need some clarity here. Does the chief official who is also the referee get paid twice? So someone titled "chief official" (\$150) who is the referee (\$150) will be making \$600 at one of my two night events. Yikes! Very expensive in this bad economy! Also what exactly does the "chief official" do? I never really understood his or her duties.

NEW CHANGE:

2.9. "Semi Professional" – means a boxer who competes in an elimination-style tournament as outlined in Section 45 of these regulations. Semi-professional boxers may only compete in elimination-style tournaments and are prohibited from engaging in exhibition matches (demonstration events) with other boxers.

What's this rule about? You wanted me to get involved with a co-promotion with another promoter. You said my involvement would be adding Rough N' Rowdy semi-pro exhibition matches on the undercard of another promoter's pro card. You are clearly contradicting the new rule you're trying to pass.

NEW CHANGE:

2a.2. General Application-A boxer who competes in any Toughperson style elimination tournament as outlined in Section 45 of these regulations shall be prohibited from subsequently competing as an amateur boxer in any event sanctioned by the Athletic Commission. Any boxer who wins a Toughperson style elimination tournament as outlined in Section 45 of these regulations shall be prohibited from subsequently competing in additional Toughperson style tournaments. These prohibitions shall be effective regardless of whether the boxer attempts to subsequently compete in the same or a different weight class from the weight class in which he competed or won in the Toughperson style tournament.

The law currently allows a contestant to win 2 tournaments in his or her weight class. Your proposed rule changes will restrict it so a contestant would only be allowed to win one tournament. This rule will hurt the fighter because he will be forced to either never fight again or turn pro prematurely.

Most of these 1-time champions have only had a few training sessions in their basement or their garage and not a real boxing gym. Most of my women champions have only fought 1 or 2 times to win a title. Forcing these fighters to turn pro after a weekend of fighting is scary. They are definitely not ready to fight 4 three minute rounds against a skilled professional where they could get seriously hurt or even killed.

I know you would like to see more pros as you have expressed but you should not force them to prematurely turn pro after 1 win when they are not seasoned enough as amateurs. Safety of the fighters should be everyone's top priority.

Please forward my comments to the Administrative Law Division for publication in the Register and with the Legislative Rule Making Review Committee (LRMRC). Thank you.

Sincerely,


Chris Smith



Re: WV Athletic Commission Meeting

Wednesday, July 1, 2009 4:49 PM

From: "Ernie Boggs" <boggsjujitsu@yahoo.com>
 To: "S A" <stevenallred@yahoo.com>
 Cc: "Chris Smith" <csmith@boxingcontest.com>, hughesgroup@hotmail.com,
 maroonjc@msx.upmc.edu, davenportboxing@suddenlink.net, rpate@bop.gov,
 shepwchs@hotmail.com

Steve,

Unfortunately I am currently in Orlando, Florida attending the **ISJA Sport Jujitsu World Championships** and will not be able to attend the meeting you have arranged.

As of today (July 1, 2009) we have just over nine thousand men, women and children representing 32 different countries pre-registered to participate in this event. Need I remind you that this very event started in South Charleston, WV (1996) and could be taking place there this weekend if not for You and the WV Athletic Commission. In these very difficult financial times the good people of WV could be benefiting from the revenue this event will produce for area businesses. Unfortunately they will have to settle for watching it on TV while the people of Orlando reap the benefits.

It is estimated that as many as 15,000 people will be attending this event here in Florida and it sickens me that my state (WV) where it all began, has been denied this opportunity. It is absolutely beyond my comprehension how you can allow your friend Jerry Thomas to promote "Toughman" (a contest of thugs) in West Virginia and prohibit an event that Walt Disney World has accepted with open arms??

I have been banging heads with you since 2001, trying to get you and the WV Athletic Commission to educate yourselves about Sport Jujitsu with no success. Something **MUST** be done, changes **MUST** be made so I plead with you once more to open your eyes and give the sport that was created in West Virginia back to the people who deserve it most!

Sincerely,
 Ernie Boggs

www.ErnieLightfootBoggs.com

PO Box 566 - Nitro, WV 25143 304 421-6571

--- On Mon, 6/29/09, S A <stevenallred@yahoo.com> wrote:

From: S A <stevenallred@yahoo.com>
 Subject: Commission Meeting
 To: "Brian Simpson" <briansimpson@hotmail.com>, "Doug Pauley" <depdeveloper@aol.com>, "Joe Boczek" <joe@lkdistributing.com>
 Cc: "Chris Smith" <csmith@boxingcontest.com>, "Ellen P. Jones" <jones@oucom.ohiou.edu>, "Ernie Boggs" <boggsjujitsu@yahoo.com>, "Gary Toney" <gary.toney@verizon.net>, hughesgroup@hotmail.com, "Jerry Thomas" <jerry@wvtoughman.com>, "Jim Frio" <frioauc@aol.com>, "Joseph Maroon" <maroonjc@msx.upmc.edu>, "Matt Mccase" <mccase@yahoo.com>, "Mike Sheppard" <shepwchs@hotmail.com>, "pau" <paulthemind@yahoo.com>, "Perry Ballard" <nativeboxer@aol.com>, "PZP" <PZP@wvtoughman.com>, "Richard W Pate" <rpate@bop.gov>, "Rick Modesitt" <rmainc98@aol.com>, "Sam Checa" <samcheca65@yahoo.com>, "scott" <scott4wv37@yahoo.com>, "stephen simons" <simonspromo@hotmail.com>, "Tom Williams" <tgw@inet99.com>, "Tommy Davenport" <davenportboxing@suddenlink.net>
 Date: Monday, June 29, 2009, 12:05 PM

The members of the **West Virginia State Athletic Commission** will meet at 10:00am on Thursday July

2, 2009. The meeting will be held at the following location:

**West Virginia State Capitol Complex
State Budget Office - Conference Room
Building 1 - Room W 313
Charleston, West Virginia 20305**

In addition to the election of officers, the primary purpose of the meeting will be to hear public comment on the proposed rule changes submitted in behalf of the commission. All members of the commission should have received a copy of the proposed changes. Again, I would appreciate your review of this information for any possible changes / revisions / modifications, and be prepared to discuss any issue that may come up during our meeting.

If you have any questions, please feel free to contact me. Thank you.

Steve Allred

**If you can not make it to the US OPEN and
ISJA Sport Jujitsu World Championships
this weekend, you can still watch it LIVE !!!
(See Below).**

From: KICKgen.com <david@kickgen.com>
Subject: LIVE Streaming on KICKgen.com update -
The US Open This Friday and Saturday!

Email not displaying correctly? View it in your browser.



**LIVE Streaming at
The US Open ISKA World
Championships**

What does this really mean to you? Attending events in person is great, but if you can't be there you can still catch the nighttime finale by watching it on the Internet only at KICKgen.com. It is totally free and all you have to do is

**KICKgen Upcoming
Events**

Jul 03 - FEATURED
The US Open World Martial
Arts Championships
*KICKgen will be streaming
LIVE at this event

Jul 24 - FEATURED
Battle Of Atlanta XLII:

August 8- FEATURED
US Capitol Classics
*KICKgen will be streaming