

**WEST VIRGINIA
SECRETARY OF STATE
JOE MANCHIN, III
ADMINISTRATIVE LAW DIVISION**

Form #3

Do Not Mark In This Box

FILED

2001 JUL 27 P 12:19

OFFICE WEST VIRGINIA
SECRETARY OF STATE

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

AGENCY: West Virginia State Athletic Commission TITLE NUMBER: 177

CITE AUTHORITY: W. Va. Code § 29-5A-24

AMENDMENT TO AN EXISTING RULE: YES NO

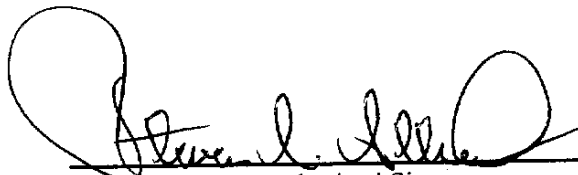
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 1

TITLE OF RULE BEING AMENDED: Administrative Rules of the West Virginia
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

Approval of filing:


Brian M. Kastick
Secretary of Tax and Revenue

QUESTIONNAIRE

(Please include a copy of this form with each filing of your rule.)

DATE: July 25, 2001

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) West Virginia State Athletic Commission

P.O. Box 2206, Parkersburg, WV 26102 (304) 422-4035

LEGISLATIVE RULE TITLE: Administrative Rules of the West Virginia
State Athletic Commission

1. Authorizing statute(s) citation W. Va. Code § 29-5A-24

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

June 11, 2001

b. What other notice, including advertising, did you give
of the hearing?

None

c. Date of Public Hearing(s) or Public Comment Period ends:

July 11, 2001

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)

f. 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)

Robert D. Williams, Assistant Attorney General

Office of the Attorney General, State Capitol Complex

Building 1, Room E-26

Charleston, West Virginia 25305 (304) 558-2021

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

Rick W. Modesitt, Chairman Samuel A. Minardi, 2nd Vice Chairman

Post Office Box 2206 4113 Noyes Avenue

Parkersburg, WV 26102 Charleston, WV 25304

(304) 422-4035 (304) 925-1408

(304) 428-7240 Fax

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:

n/a

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

n/a

d. Attach findings and determinations and reasons:

Attached n/a

SUMMARY OF PROPOSAL

The amendments to this rule clarify the term "ultimate fight", and are promulgated for the purpose of enabling the West Virginia State Athletic Commission to effectively enforce the prohibition against "ultimate fight" events.

STATEMENT OF CIRCUMSTANCES

During the regular 2000 legislative session the West Virginia Legislature amended W.Va. Code § 29-5A-1 *et seq.* relating to the West Virginia State Athletic Commission, in part to provide the commission with authority to regulate boxing events that also use elements of other fighting disciplines. Concurrently, the Legislature approved amendments to the administrative rules of the Commission which in part prohibit "ultimate fight" events.

Notwithstanding the prohibition against "ultimate fights", boxing events commonly referred to as "ultimate fights", "extreme fights" or "no holds barred fights", are being promoted within the State of West Virginia. These fighting events are extremely violent, and participants can suffer serious or fatal injury. The current administrative rules of the Commission have proven ineffective in enforcing the prohibition as evidenced by the Commission's recent experience in the matter of the West Virginia State Athletic Committee v. Tucker in which the Kanawha County Circuit Court indicated that the term "ultimate fight" was too ambiguous to enforce. Consequently, the Commission was compelled to withdraw its complaint, and the event in question occurred.

The amendments to this rule are required to enable the Commission to effectively enforce the prohibition against "ultimate fight" events. Promulgation of this emergency legislative rule is necessary for the immediate preservation of the public peace, health, safety and welfare.

FILED

TITLE 177
LEGISLATIVE RULE
STATE ATHLETIC COMMISSION

2001 JUL 27 P 12: 19

SERIES 1
ADMINISTRATIVE RULES OF THE
WEST VIRGINIA STATE ATHLETIC COMMISSION

OFFICE WEST VIRGINIA
SECRETARY OF STATE**§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. -- April 18, 2000.

1.4. Effective Date. -- April 18, 2000.

§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.

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 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 professional boxer is one who competes for money.

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

2.9. "Semi Professional" -- means an amateur boxer who competes in elimination style tournament.

§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 application 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.

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 been convicted of a felony or misdemeanor involving moral turpitude in any jurisdiction within ten (10) years preceding the suspension or revocation and such conviction was not previously reported to the Commission by the licensee;

(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.

§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) days before the date of any such contest or exhibition.

(a) Requirements of applicants. -- Each applicant for sanction 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.

(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 is under contract to appear at a club, appears at the weigh-in time and is ready to fulfill his contract but his opponent does not appear nor is a substitute 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.

§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.

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) for injuries sustained while participating in any sanctioned boxing event under the control of a licensed promoter, club, corporation or association and for 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. 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.

§177-1-8. Promoters Report.

Every promoter, club, association or corporation holding a boxing event, professional or amateur must complete and file the promoter's report provided by the Commission. The report must be received by the chairman of the State Athletic Commission within forty-eight hours of the date of the event.

§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. -- 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.

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 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.

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).

§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.

§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 or 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.

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 of the contest. Boxers appearing late will not be weighed-in, will not be allowed the opportunity to box, and will be indefinitely suspended.

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. 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 Flyweights (112 lbs.) 3 pounds
- 16.2.b. Between Bantamweights (118 lbs.) 4 pounds
- 16.2.c. Between Featherweights (126 lbs.) 5 pounds
- 16.2.d. Between Junior Lightweights (130 lbs.) 6 pounds
- 16.2.e. Between Lightweights (135 lbs.) 7 pounds
- 16.2.f. Between Junior Welterweights (140 lbs.) 8 pounds
- 16.2.g. Between Welterweights (147 lbs.) 9 pounds
- 16.2.h. Between Middleweights (160 lbs.) 10 pounds

16.2.i. Super-Middle Weights (168 lbs.) 10 pounds

16.2.j. Between Light Heavyweights (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. When a contestant competes in a bout of four (4) rounds or less, he will not compete again until four (4) days have elapsed. In the case of amateur tournaments or competition, and semi-professional elimination tournaments the customary regulations of the amateurs and semi-professionals shall govern the interval between bouts.

§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. -- He 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.

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; promoter shall have at least one ambulance and two paramedics present.

§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" 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.

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. -- 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) 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, he 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 sound the gong once thus indicating the termination of the round and that the contestant who is down has not been counted out.

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 gauze 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. Miscellaneous. -- No apparel other than as specified above may be worn in the ring, except a bathrobe.

§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.

§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 rounds (3) 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 facsimiles thereof by whatever name called.

48.2. Definition. -- The terms "ultimate fight", "Extreme Fight" or "No Holds Barred Fight" or facsimiles thereof by whatever name called means and includes, but is not limited to, any full contact boxing event and other boxing events that follow nontraditional rules, and which include or permit 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. Any kicks without the use of foot and instep padding;

48.2.g. Any respiratory restraints or respiratory chokes;

48.2.h. Any elbow strikes;

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

48.2.j. Any 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.

49.2. Judges \$50.00 per day.

49.3. Time Keeper \$50.00 per day.

49.4. Referee \$75.00 per day.

49.5. Inspectors \$50.00 per day.

□
APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Administrative Rules of the West Virginia State Athletic Commission

Type of Rule: Legislative Interpretive Procedural

Agency: West Virginia State Athletic Commission

Address: Post Office Box 2206

Parkersburg, WV 26102

1. Effect of Proposed rule:

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	0	0	0	0	0
PERSONAL SERVICES	0	0	0	0	0
CURRENT EXPENSE	0	0	0	0	0
REPAIRS & ALTERATIONS	0	0	0	0	0
EQUIPMENT	0	0	0	0	0
OTHER	0	0	0	0	0

2. Explanation of Above Estimates:
Ultimate fight events are not sanctioned by the West Virginia State Athletic Commission. Accordingly, there is no projected increase in expenditures or decrease in revenues.

3. Objectives of These Rules:
To enable the West Virginia State Athletic Commission to effectively enforce the prohibition against "ultimate fight" events.

Rule Title: Administrative Rules of the West Virginia State Athletic Commission

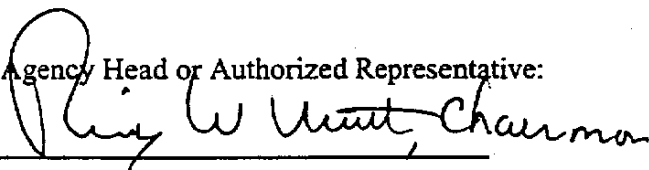
4. Explanation of Overall Economic Impact of Proposed Rule:

A. Economic Impact on State Government:
No projected economic impact.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens:
To the extent the rule prohibits "ultimate fight" events it will eliminate potential revenues generated by the promoters, sponsors and providers of facilities for such events.

C. Economic Impact on Citizens/Public at Large.
No projected economic impact.

Date: June 11, 2001

Signature of Agency Head or Authorized Representative:
 Roy W. Hunt, Chairman

RESPONSE TO COMMENTS

In response to the Notice of a Comment Period on a Proposed Rule filed by the West Virginia State Athletic Commission ("Commission") in connection with this proposed rule the Commission received two comments. No amendments have been made to this proposed rule as a result of the comments.

The first comment is from the Executive Director of the West Virginia Council of Churches, and constitutes a general approval of the Commission's proposal to effectively enforce the prohibition against "ultimate fight" events.

The second comment is from an individual who objects to the Commission's proposal. The objection is premised on the Commission's lack of authority to promulgate this rule, the Commission's assessment of the fiscal impact of this proposed rule, the Commission's exclusion of boxing, sparring matches or exhibitions sanctioned by organizations recognized by the United States Olympic Committee, and the Commission's assessment of the facts and circumstances constituting an emergency.

With respect to the first objection the Commission submits that it has the authority to promulgate this proposed rule. West Virginia Code § 29-5A-3(a) states in part that "[t]he commission has sole direction, management and control of the jurisdiction over all amateur, professional and semiprofessional boxing, sparring matches and exhibitions, or any form thereof, to be conducted, held or given within the state by any club, individual, corporation or association." Section 3(a) also provides in part that the term "'boxing' includes any fighting event that includes or permits the striking of an opponent with a closed fist, even if wrestling moves, elements of martial arts, or striking an opponent with the feet are also permitted." West Virginia Code § 29-5A-3(b) provides in part that "[f]or full contact boxing events and other boxing events that follow nontraditional rules, the commission may impose any limitations or restrictions reasonably necessary to guarantee the safety of the participants and the fair and honest conducting of the matches or exhibitions and may refuse to license any event that poses an unreasonable degree of risk to the participants." West Virginia Code § 29-5A-24(b) provides that "[t]he commission shall promulgate such rules as it determines to be necessary to regulate professional and semiprofessional boxers, and professional and semiprofessional boxing matches and exhibitions. For full contact boxing and other boxing events that follow nontraditional rules, rules guaranteeing the safety of the participants and the fair and honest conducting of the matches or exhibitions are authorized." West Virginia Code § 29-3-15(a) provides in part that "[a]ny agency with authority to propose legislative rules may, without hearing, find that an emergency exists requiring that emergency rules be promulgated and promulgate the same in accordance with this section." In addition to the foregoing, it should be noted that the West Virginia Legislature previously approved the prohibition against "ultimate fight" events as reflected 143 CSR 1-48.1. Accordingly, the Commission has the authority to propose this legislative rule.

With respect to the second objection the Commission submits that the fiscal note filed with this proposed rule is accurate. Ultimate fight events are not currently sanctioned by the Commission; therefore, there is no projected increase in expenditures or decrease in revenues to the State of West

Virginia. In addition, the fiscal note reflects that the prohibition against ultimate fight events may eliminate potential revenues generated by promoters, sponsors and providers of facilities for such events.

With respect to the third objection, the Commission submits that the intent of this proposed rule is to clarify the term "ultimate fight" for the purpose of enabling the Commission to enforce the prohibition against the same. In the Commission's opinion, boxing, sparring matches or exhibitions sanctioned by organizations recognized by the United States Olympic Committee do not constitute "ultimate fight" events under this proposed rule, and the exclusion is consistent with the Commission's mandate to follow the current United States boxing authority rules and requirements in sanctioning boxing, sparring matches or exhibitions which follow traditional boxing rules.

With respect to the fourth objection the Commission submits that there is ample evidence to support the finding that "ultimate fight" events constitute an immediate threat to the public peace, health, safety and welfare.

Kevin Carpenter
92 South Stonewall Street
Sutton West Virginia 266001

West Virginia Athletic Commission

Dear Sirs,

The Legislature has passed legislation empowering the West Virginia Athletic Commission to regulate various forms of fighting's events. I am certain that the intent of the legislature was not to ban Mixed Martial Arts (ultimate fighting, extreme wrestling etc.) competition. If it was the legislature wanted a ban it could simple pasted a law saying as much rather than giving the Commission regulatory powers.

In the commissions purposed rules there are certain allowances for "traditional martial arts". Why? It does not make sense to discriminate form one form to another. The maneuvers are same weather you call it jiu-jitsu or ultimate wrestling. These rules do favor businesses that teach national organizations affiliate classes rather than independent instructor's completions. Simply an unfair business practice.

The following is a list of my concerns regarding the proposed rules.

1. Appendix B

"Ultimate fight events are not sanctioned by the West Virginia Athletic commission. Accordingly, there is no projected increase in expenditures of decrease in revenues."

Income tax, sales tax, salaries and rent from venues all will decrease. It will have a devastating economic effect on all people in the Mixed Martial Arts Business.

2. Statement of circumstances- the legislature has passed a law wanting the Athletic Commission to stay out of the ultimate fight business by indicate that "it does not recognize, nor will license and full contact boxing of fighting event, commonly referred to as Ultimate Fight."

3. "These fighting events are extremely violent and, and participants can suffer serious of fatal injury." Violent compared to boxing, lacrosse, wrestling, car racing, motorcycle racing and football. We are talking about a sport with rules. As far as fatal injury- is there a single documented one from no holds barred Composition? There are plenty of documented fatalities in other sports including cheer leading.

4 " Promulgation of this emergency legislative rule is necessary for the immediate preservation of the public peace, health, safety and welfare." What kind of decimation does the Commission posses to support this statement? I would like a copy of any evidence that was presented to the commission that the public peace, health safety and welfare is at stake. This statement is merely unqualified justification for coming up with such laws.

2. 48.2 "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, sparing match or exhibition sanctioned by organizations recognized by the United States Olympic Committee.

It is my understanding that the Olympics will include Pankration. This is basically the style that I practice. How will this effect the rules that you have purposed?

I will be competing on an amateur level and my friend will compete at a professional level in a NAGA (North American Grappling Association) Submission Tournament July 28, 2001 in Wildwood New Jersey. I personally will spend \$250.00 on the trip for food and lodging for my family and me. West Virginia could be collecting sales/ hotel-Motel tax on such tournaments if they are not banned.

The competitors are similar to boxing highly trained athletes that fight at the professional level. It is not a bar room brawl with out any rules.

RECEIVED
4:35 pm


7-12-01



I ask that you do not act in haste with out thinking about the economic impact and the promotion of health through athletics.

Apparently these rules are a one-man crusade that does not benefit the people of West Virginia. In fact hurt the economy of West Virginia. The statements of economic are blatantly false.

Sincerely

A handwritten signature in cursive script that reads "Kevin Carpenter". The signature is written in black ink and is positioned to the right of the typed name.

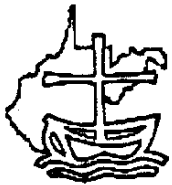
Kevin Carpenter
92 S Stonewall St
Sutton WV 26601

Mr. Modesitt,

The self-righteous are more dangerous than the sinner.

Kevin Carpenter

A handwritten signature in cursive script that reads "Kevin Carpenter". The signature is written in black ink and is positioned to the right of the typed name.



West Virginia Council of Churches

2207 Washington St., E. • Charleston, West Virginia 25311 • Phone 304-344-3141 • Fax 304-342-1506 • www.wvcc.org

The Reverend Nathan D. Wilson
Executive Director

Monday, July 9, 2001

Rick W. Modesitt, Chairman
West Virginia State Athletic Commission
Post Office Box 2206
Parkersburg WV 26102

Re: Administrative Rules of the West Virginia State Athletic Commission
for enforcement of the prohibition against "ultimate fight" events.

Chairman Modesitt:

As executive director of the West Virginia Council of Churches, I support the proposal that will enable the West Virginia State Athletic Commission to effectively enforce the prohibition against "ultimate fight" events. My hope is that these events will be banned from our state.

On a personal level, as an avid sports fan I do not deem these events as sporting events. They are brutal and barbaric. My understanding is that fighters often do not wear any type of safety gear. As far as I can tell, they are nothing more than the endorsement of pointless violent behavior.

Please call on me if I can be of further support in any effort to ban these events from West Virginia. Thank you for your work.

Sincerely,

The Reverend Nathan D. Wilson
Executive Director