

Report on the
Alabama Athletic Commission
Montgomery, Alabama



**Department of
Examiners of Public Accounts**

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May 16, 2018

Representative Howard Sanderford
Chairman, Sunset Committee
Alabama State House
Montgomery, AL 36130

Dear Representative Sanderford,

This report was prepared to provide information for use by the Sunset Committee in conducting its review and evaluation of the operations of the Alabama Athletic Commission in accordance with the *Code of Alabama 1975*, Section 41-20-9.

The report contains unaudited information obtained from the management, staff, and records of the Alabama Athletic Commission, in addition to information obtained from other sources.

Please contact me if you have any questions concerning this report.

Sincerely,



Ronald L. Jones
Chief Examiner

Examiner
Christine Kilpatrick

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PROFILE

Purpose/Authority

The Alabama Athletic Commission was initially established as the Alabama Boxing Commission by Act No. 622, Acts of Alabama 2009, to be the sole regulator of professional boxing in Alabama. Act No. 222, Acts of Alabama 2010, changed the name of the Commission to the Alabama Athletic Commission and extended the Commission's authority to include regulation of mixed martial arts. Act No. 285, Acts of Alabama 2013, extended the Commission's authority to include regulation of professional wrestling and tough man contests.

The Commission operates under the authority of the *Code of Alabama 1975*, Sections 41-9-1020 through 41-9-1040.

<u>Characteristics</u>	
Members and Selection	Six members <ul style="list-style-type: none">• Two appointed by the Governor• One appointed by the Alabama Athlete Agents Commission• One appointed by the Speaker of the House of Representatives• One appointed by the President of the Senate• One appointed by the President Pro Tempore of the Senate <p><i>Code of Alabama 1975</i>, Section 41-9-1023(b)(1)</p>
Term	Four year staggered terms. No term limits. <i>Code of Alabama 1975</i> , Section 41-9-1023(b)(2)
Qualifications	Members must be residents of Alabama. <i>Code of Alabama 1975</i> , Section 41-9-1023(b)(2)
Racial Representation	No statutory requirement. Two black members serving.
Geographical Representation	No two members shall be from the same congressional district at the time of appointment. <i>Code of Alabama 1975</i> , Section 41-9-1023(b)(2)

Consumer Representation	<p>All members are consumer members. Members of the Commission must not be a member of, contract with, or receive any compensation from any person or organization who authorizes, arranges, or promotes matches, contests, or exhibitions of professional boxing, tough man contests, professional wrestling, amateur mixed martial arts, or professional mixed marital arts; or who otherwise has a financial interest in any activity or licensee regulated by the Commission.</p> <p><i>Code of Alabama 1975</i>, Section 41-9-1028</p>
Other Representation	<p>The membership of the Commission shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state.</p> <p><i>Code of Alabama 1975</i>, Section 41-9-1023(b)(1)</p>
Compensation	<p>Members do not receive compensation, but are reimbursed for necessary travel expenses at the same rate as provided for state employees.</p> <p><i>Code of Alabama 1975</i>, Section 41-9-1023(e)</p>
<u>Operations</u>	
Administrator	<p>Joseph B. McCormick, Executive Director.</p> <p>The Commission is currently under an emergency contract with McCormick Co. LLC for administrative and management services. The current emergency contract amount is \$7,500 per month for administrative services plus costs deemed necessary by the Commission.</p>
Location	<p>250 Commerce Street, Suite 9 Montgomery, AL 36104 Office hours: By appointment only: M-F 9 – 5. The office is not manned on a daily basis.</p>
Examinations	<p>No examinations.</p> <p>The Commission created rules to require judges, referees, and timekeepers to take an examination. (<i>See Continuing Prior finding 2011-03</i>).</p>

Licensees	<p>Licenses as of January 22, 2018*</p> <table border="1" data-bbox="641 231 1421 1102"> <thead> <tr> <th></th> <th>2018</th> <th>2017</th> </tr> </thead> <tbody> <tr> <td>Wrestling</td> <td></td> <td></td> </tr> <tr> <td>Participant</td> <td>30</td> <td>204</td> </tr> <tr> <td>Promoter</td> <td>6</td> <td>10</td> </tr> <tr> <td>Mixed Martial Arts</td> <td></td> <td></td> </tr> <tr> <td>Competitor Professional</td> <td>2</td> <td>13</td> </tr> <tr> <td>Competitor – Amateur</td> <td>16</td> <td>36</td> </tr> <tr> <td>Promoter</td> <td>1</td> <td>3</td> </tr> <tr> <td>Boxing</td> <td></td> <td></td> </tr> <tr> <td>Competitor</td> <td>-</td> <td>25</td> </tr> <tr> <td>Promoter</td> <td>-</td> <td>4</td> </tr> <tr> <td>Other Licensees</td> <td></td> <td></td> </tr> <tr> <td>Trainer</td> <td>20</td> <td>59</td> </tr> <tr> <td>Second</td> <td>11</td> <td>50</td> </tr> <tr> <td>Referee</td> <td>2</td> <td>8</td> </tr> <tr> <td>Judge</td> <td>3</td> <td>18</td> </tr> <tr> <td>Timekeeper</td> <td>1</td> <td>4</td> </tr> <tr> <td>Matchmaker</td> <td>2</td> <td>4</td> </tr> <tr> <td>Kickboxing</td> <td></td> <td></td> </tr> <tr> <td>Competitor–Professional</td> <td>-</td> <td>-</td> </tr> <tr> <td>Competitor-Amateur</td> <td>2</td> <td>-</td> </tr> <tr> <td>Promoter</td> <td>1</td> <td>-</td> </tr> <tr> <td>Total</td> <td>97</td> <td>438</td> </tr> </tbody> </table> <p>*Licenses expire December 31 each year; licensees only renew if the individual is going to participate in a bout.</p> <p><i>Source:</i> Administrator</p>		2018	2017	Wrestling			Participant	30	204	Promoter	6	10	Mixed Martial Arts			Competitor Professional	2	13	Competitor – Amateur	16	36	Promoter	1	3	Boxing			Competitor	-	25	Promoter	-	4	Other Licensees			Trainer	20	59	Second	11	50	Referee	2	8	Judge	3	18	Timekeeper	1	4	Matchmaker	2	4	Kickboxing			Competitor–Professional	-	-	Competitor-Amateur	2	-	Promoter	1	-	Total	97	438
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Total	97	438																																																																				
Licensee Demographics	Data is not collected by the Commission.																																																																					
Reciprocity	None																																																																					
Renewals	<p>Annually by December 31. Online renewal is not available.</p> <p><i>Code of Alabama 1975</i>, Sections 41-9-1029(a)(2) and 41-9-1030(a)</p>																																																																					
Continuing Education	No requirement.																																																																					
Employees	The Commission has no employees. The Commission contracts with McCormick Co. LLC for management services, including an executive director.																																																																					

Immigration	E-Verify – N/A, no employees. SAVE – Partially compliant (<i>See Significant Issues</i>).
Legal Counsel	J. Matt Bledsoe, Assistant Attorney General, employee of the Attorney General’s Office.
Subpoena Power	Yes, persons and records <i>Code of Alabama 1975</i> , Section 41-9-1024 (h)(1)(c)
Internet Presence	www.aac.alabama.gov Information includes: <ul style="list-style-type: none"> • Home page • About page (Commission members and staff) • Rules (includes statutory authority) • Promoters • Participants • Officials • Medical • News • FAQs • Contact
Attended Board Member Training	No one attended the last Board member training held in 2014.
<u>Financial</u>	
Source of Funds	Licensure fees and fines.
State Treasury	Yes, Special Revenue Fund 1226. <i>Code of Alabama 1975</i> , Section 41-9-1039
Required Distributions	No statutory requirements.
Unused Funds	Funds are retained at fiscal year-end. <i>Code of Alabama 1975</i> , Section 41-9-1039

SIGNIFICANT ISSUES

Significant issue 2018-01 - Joseph B. McCormick was previously employed by Mowery Consulting Group, the Commission's contract administrator, and served as the executive director of the Athletic Commission from May 2015 until June 2017. Mr. McCormick was also an employee of Cauthen and Associates, in which the President and CEO is the Alabama Athletic Commission's chairman. Mr. Cauthen has been the Commission's chairman since the inception of the Commission. Cauthen and Associates is a public policy consulting firm specializing in federal and state government relations and corporate business development located in Montgomery.

Mr. McCormick owns McCormick Co. LLC, and was awarded an emergency contract in June 2017 to provide administrative and managerial services, and to serve as the Executive Director for the Commission for \$7,500 monthly plus expenses. According to Cauthen & Associates' website as of March 2018, Mr. McCormick is also an employee Cauthen & Associates and serves as the legislative and research assistant.

Commission's Response – Prior to accepting the position of Executive Director of the Alabama Athletic Commission and employment with Mowery Consulting, Mr. McCormick consulted with Mr. Matt Bledsoe, legal counsel for the Commission through the Alabama Attorney General's Office, to verify that his employment would not be a conflict of interest. Mr. Bledsoe consulted with the Alabama Ethics Commission and cleared Mr. McCormick to accept the position.

Significant Issue 2018-02 - Mowery Consulting Group LLC, the Commission's contractor for administrative services, obtained a credit card to purchase office supplies and equipment in the name of the Alabama Athletic Commission without the Commission's approval. There was no documentation to indicate that the Commission approved the credit card.

According to the provisions of the Invitation to Bid, "Payment shall be made only to the contractor, and the Commission shall have no obligation to any other person or corporation for expenses incurred by the Contractor. The Contractor had no authority to make any contracts, oral or written, in the name of the Commission."

Commission's Response – When Mowery Consulting took over the Commission contract, they were advised by a staff member of the Comptroller's Office to gain a credit card, to purchase event supplies in service of the Commission. Following the advice, Mowery Consulting applied and received a credit card with Office Depot. The card was approved by Office Depot, giving the commission tax exempt status, since it was a State commission.

When the issue arose that a credit card could not be used by Mowery Consulting, the cards were shredded and the accounts closed. Now that the Emergency Contract is with McCormick Co., LLC, no credit card has been secured in the name of the Commission.

Significant Issue 2018-03 - Mowery Consulting Group LLC, the Commission’s contractor for administrative services, made payments from the Commission’s funds totaling \$9,444.04 between the period of October 1, 2013 and March 31, 2017 for purchases of office equipment, office supplies and services that were not authorized under the terms of the Invitation to Bid Response. The bid provisions state that, “Payment shall be made only to the contractor, and the Commission shall have no obligation to any other person or corporation for expenses incurred by the Contractor. The Contractor has no authority to make any contracts, oral or written, in the name of the Commission.”

Mowery Consulting Group, LLC made the following payments to third parties from the Commission’s funds. We found no record of the Commission’s approval of the following expenditures:

- \$1,270.68 for equipment costing under \$500 (including 3 printers, a laminator, a digital camcorder with tripod, 4-40 mile radius radios with headsets, 4-drawer, vertical file cabinet with lock, and 3 shelf bookcase).
- \$605.79 for office accessories (including mouse pad, laser mouse, wireless keyboard and mouse, 2 portable batteries, desk stapler, 4 memory drives, 2 memory cards, 2 USB device cables, 2 totes, chair mat, docking lamp, pre-inked stamp, 3 mobile folding carts, recycling bin, and handi-truck).
- \$2,460.90 for ink and printer drum purchases.
- \$1,164.36 for shirts and emblems (including 20 shirts for referees, 5 shirts for Commissioners, 9 polo shirts for inspectors and door wardens).
- \$783.08 for printing, copying, emailing and scanning services.
- \$2,886.43 for office supplies (such as paper, pens, folders, tapes, scissors, etc.).
- \$272.80 for personal purchases not including items reimbursed to the Commission (such as air horns, water, fashion first aid staple, thank you cards, travel size antiseptic, paper towels, static IP address charges on personal home Internet, Samsonite travel key locks, backpack, tough timers, and wireless gear for iPod/iPhone/iPad).

The Response to the Invitation to Bid provisions states the following:

Part II – Scope of Work Required: The Contractor shall provide the following services:

A. Office Space and Communications

1. Office Facilities

1.2 Office facilities will be located at Contractor’s current place of business at 260 Commerce Street, 4th Floor, Montgomery, Alabama 36104.

Office contains *all required furniture and materials*. Including, but not limited to desks, chairs, copy machines, and computers. ... [Emphasis added.]

1.3 The office has a large reception area. There are four (4) additional offices, a file room, a kitchen, a storage room and a meeting room. The meeting room can accommodate at least ten people for work sessions.

2. Telephone, E-mail, Website and Other Communications Services

Mowery Consulting Group, LLC has an established internet domain, moweryconsulting.com, with each employee assigned an individual email account. Mowery Consulting Group, LLC will continue to maintain the email

address specifically in the name of the Commission to serve as a communications link between registrants and the Commission.

Contractor agrees to put in place electronic forms for licensees in both Boxing and Mixed Martial Arts, and any other sport the athletic commission may cover in the future. Furthermore, there will be electronic communications on at least a weekly basis between the Commission and the contractor's staff. Email communications will include the status of the number of registrations received and number approved or denied as well as upcoming approved events.

Contractor agrees to provide a dedicated phone line in the name of the Alabama Athletic Commission.

Mowery and Associates maintains a fax line via E-Fax in order to receive faxes 24 hours a day.

Telephone number will be created to handle all Alabama Athletic Commission inquiries.

Mail for the Alabama Athletic Commission will be received at Mowery Consulting's office address.

Mowery Consulting Group, LLC will maintain a database of licensees and manage the ID Cards for licensees to include a photo credit card type license.

Mowery Consulting will use Microsoft Office and the Open Office suite of software. Mowery Consulting will be backing up files with the Dropbox service as well as a backup copy in Bank Safety Deposit Box. ...

Records and Correspondence Concerning Applicants, Registrants, and Disciplinary Actions

... Mowery Consulting, LLC maintains a high-speed internet line to handle all computer and electronic communications. ...

Administrative Support

Contractor will serve as the Administrative Office for the Commission.

Duties to be performed include:

1. Preparation and dissemination of notices, agendas, and minutes...
2. Provide administrative support necessary to ensure proper operation and performance of the Commission, including the routing of general correspondence ...
3. Handle complaints and applications ...
5. Issue licenses...
6. Conduct periodic inspections...
7. Compile files and dossiers...
8. Printing, updating and distributing the most current correspondence of the Commission to include notices for license renewals, application packets, licenses, directories, newsletters, handbooks, legal notices, etc.
9. Performing all other duties as may be necessary for operation of the Commission. ...
10. Perform all other duties as requested and agreed upon by the Commission as provided in call for bids.

Compensation and Expenses

A. Base Service Load

All proposed fees are effective for 9-0 days from the due date of this ITB.

1. Contractor agrees to the sum of \$70,000 to be paid monthly in payment of \$5833.33 for the base load of 200 hours per month.
2. Anticipate the number of hours will be approximately 300 for all services requested.
3. Should the Commission authorize the action, the Contractor will provide interactive website services for an additional sum of \$24,000 to be paid monthly in payments of \$2,000.

The Alabama Athletic Commission will also reimburse Mowery Consulting Group for travel expenses incidental to performing of duties outlined in this contract.

These bids do not include the following:

- 1) Fees and/or charges from the Department of Finance for processing vouchers and deposit of receipts or for any Commission approved service provided by ISD.
- 2) Fees and/or charges from Legislative Reference Service for the filing and advertising of Rules and Regulations approved by the Commission.
- 3) Commission Member Travel or Compensation
- 4) Costs or Premiums for General Liability Coverage and Blanket Fidelity and Dishonesty Bond for Commission Members by Risk Management Department.
- 5) Any other expenses outside the scope of work/services of the vendor that are approved by the Commission.

Since the Commission members are responsible for ensuring that goods and services received by the agency are in the manner prescribed by terms of the Invitation to Bid, charges were made against all of the Athletic Commission members for unallowable purchases of office equipment, office supplies, and services by the Commission's contract administrator. The Chief Examiner sent a letter to all the commissioners requesting repayment of the \$9,444.04 for the expenses. The commissioners submitted a letter to the Chief Examiner stating their position as to why they did not consider the amount in question was due from them. The commissioners failed to show cause why the amount should not be paid; therefore, relief was denied by the Chief Examiner. The unpaid amounts were certified to the Attorney General's Office. The charges remain due and unpaid.

Commission's Response – The Commission is aware of the Examiner's findings of funds totaling \$9,444.04 being expended between October 2013 and March 2017. Since becoming aware of the issue, no such funds have been expended. Additionally, the Commission has been advised that the matter has been forwarded to the Attorney General's Office for a final decision. No such decision has been rendered as of this date. When such decision is published, the Commission shall adhere to the ruling and take the necessary actions to rectify the issue.

Additionally, the AAC is in the process of rebidding the Administrative Services Contract. Mr. Bedsole has been working with the Dept. of Purchasing to resolve our previous contracting issues and the contract will be rebid, via RFP, in the near future. The matter will be resolved in the Commission's next meeting. It is currently on the

agenda for the Commissioners to review and approve the terms of the new RFP, then publish the terms for bidding.

Significant Issue 2018-04 - The Commission has not formally promulgated administrative rules to establish procedures for handling complaints against licensees The Commission has not developed administrative rules or any policies for the recording, documenting, investigating, determining probable cause, or resolving complaints received by the Commission.

Commission's Response – The Commission is currently in the process of a Rules Amendment, where this issue shall be resolved. A clear and comprehensive compliant process is outlined in the proposed rules changes and shall be voted on in the Commission's next meeting. Upon completion of the Rules Change Process, the AAC will be fully compliant with this issue.

Significant Issue 2018-05 - The Commission adopted Administrative Rules 165-X-1-.02; 165-X-2-.02; 165-X-3-.02; 165-X-6-.02; 165-X-7-.02 to charge promoters a late fee of \$50 or 20% of the match permit fee. The Commission members also approved charging participants a \$75 fee to attend a training seminar. Neither fee is authorized by the Commission's statutes.

The *Code of Alabama 1975*, Section 41-9-1029(c)(2) states "Each application for a match permit fee shall be on a form provided by the commission and shall be accompanied by a nonrefundable application fee not to exceed two hundred fifty dollars (\$250). The commission may charge *an additional* match fee in accordance with rules and regulations promulgated by the commission." (Emphasis added) The Commission charges an application fee and an additional match permit fee; there is no provision for a late match permit fee in the statutes.

Attorney General Opinion 87-00222 states "Where the legislature has established a sufficiently definite policy, standard, or rule an administrative agency may be empowered to deal with the issuing of a license or permit and to fix reasonable fees for such issuance; where the legislature has not established such a sufficiently definite policy, rule, or standard the administrative agency may not be empowered to deal with such issuing of licenses or permits or establishing of fees." (Emphasis added).

Commission's Response - The Commission is currently in the process of a Rules Amendment, where this issue shall be resolved. It is the intent of the Commission to remove the charging of late fees in the proposed rules changes and shall be voted on in the Commission's next meeting. Upon completion of the Rules Change Process, the AAC will be fully compliant with this issue.

Significant Issue 2018-06 - The Commission has not complete the enrollment process for the Systematic Alien Verification for Entitlements (SAVE) program. The Commission has made an effort to comply by requiring applicants and licensees to document citizenship or legal presence on application forms.

The Beason-Hammon Alabama Taxpayer and Citizen Protection Act of 2011 (Immigration Act), now codified as Title 31, Chapter 13 of the *Code of Alabama 1975*, has been in effect since September 1, 2011.

The *Code of Alabama 1975*, Section 31-13-7(i) states, “The verification that an alien seeking state or local public benefits is an alien lawfully present in the United States shall be made through the Systematic Alien Verification for Entitlements (SAVE) program, operated by the United States Department of Homeland Security.”

Commission’s Response – The Commission’s administrative staff have applied for enrollment in the SAVE program and have been subsequently denied acceptance. Documentation of this denial was previously submitted to the Examiners of Public Accounts. The administrative staff shall continue trying to enroll in the program, although no such enrollment has been successful to date.

Significant Issue 2018-07 - The Commission has adopted administrative rules which are in conflict with its enabling statutes. The *Code of Alabama 1975*, Section 41-9-1030(a) states, “***Prior to participating*** in a match, contest, or exhibition of professional boxing, professional wrestling, amateur mixed martial arts, or professional mixed martial arts supervised by the commission, referees, judges, timekeepers, matchmakers, boxers, wrestlers, mixed martial arts competitors, managers, trainers, and each person who assists a boxer, wrestler, or mixed martial arts competitor immediately before and after a match, contest, or exhibition of boxing, wrestling, or mixed martial arts and between rounds during a match, contest, or exhibition of boxing, wrestling, or mixed martial arts ***shall be required by the commission to apply for and be issued a license.***” [Emphasis added.]

Administrative Rules 165-X-1-.05(7)(c); 165-X-2-.05(7)(c); and 165-X-6-.05(7)(c) each state “Authorized Purse Deductions. Promoters may deduct from any contestant’s purse, **the total amount of fees or fines owed to the commission by said contestant, including but not limited to fees required to issue to such contestant a federal identification card and/or state license, where such fees or fines have not previously been paid by said contestant.** Any such deduction shall immediately be remitted to the commission.” This statement conflicts with 41-9-1030 (a), which states “prior to participating . . . apply for and be issued a license.”

Commission’s Response – The Commission is currently in the process of a Rules Amendment, where this issue shall be resolved. The Commission is proposing a temporary license program, where applicants are provided a temporary license prior to competing. This issue shall be voted on in the Commission’s next meeting. Upon completion of the Rules Change Process, the AAC will be fully compliant with this issue.

Significant Issue 2018-08 - The Commission approved new policies and procedures regarding the appointment, attire and performance of officials at Alabama Athletic Commission events. These “policies and procedures” fall within the definition of a rule but were not formally adopted using the proper administrative procedures for rule-making.

The *Code of Alabama 1975*, Section 41-22-3 (9) defines a rule as “ Each agency *regulation, standard, or statement of general applicability that implements, interprets, or prescribes law or policy, or that describes the organization, procedure, or practice requirements* of any agency *and includes any form which imposes any requirement or solicits any information not specifically required by statute or by an existing rule or by federal statute or by federal rule or regulation*; provided, however, all forms shall be filed with the secretary of the agency and with the Legislative Reference Service and all forms, except intergovernmental, interagency, and intra-agency forms which do not affect the rights of the public and emergency forms adopted pursuant to Section 41-22-5, shall be published in the Agency Administrative Code.” [Emphasis added]

Commission’s Response – The Commission was notified of this issue in the previous audit conducted by the Examiners of Public Accounts. To resolve this, the Commission will be voting to repeal the “Policies and Procedures” adopted on 5/14/15 and 6/5/15. Additionally, certain portions of the “Policies and Procedures” are being proposed to expand and further clarify existing portions of the Rules and Regulations (Certification of the Scales and Boxing Gloves Required). The Commission is currently in the process of a Rules Amendment, where this issue shall be resolved. This issue shall be voted on in the Commission’s next meeting. Upon completion of the Rules Change Process, the AAC will be fully compliant with this issue.

Significant Issue 2018-09 - Commission members are not being appointed according to the Commission’s statute. Two Commission members were appointed from Congressional District two, and two members were appointed from Congressional District four.

According to the *Code of Alabama 1975*, Section 41-9-1023(b)(2) “... No two members shall be from the same congressional district at the time of appointment.”

Commission’s Response – Being that the Commission does not have the authority to appoint its members, the Commission cannot control those individuals appointed by the authorized appointers. Although the Commission cannot appoint its members, the Commission’s administrative staff will work with the appointing authorities moving forward to ensure that no members are serving while residing in the same Congressional District.

This issue arose as a result of the Alabama Legislature approving its most recent redistricting of Congressional Districts. When originally appointed, Commissioners Cauthen and Evans lived in different districts; Cauthen in CD3 and Evans in CD2. Additionally, Commissioners Marshall and Sears lived in different districts; Marshall in CD7 and Sears in CD6. It appears that the Commissioners were simply reappointed without consulting which Congressional District they were moved into following the Redistricting.

The Commissioners in question have been made aware of this issue. Logically, it would make sense for the first person up for reappointment, in districts where dual Commissioners have been appointed, not seek reappointment, in an effort to remedy

this issue. Ultimately, the Commission has no authority over this matter and must rely on the appointing persons/bodies to do so in accordance with the law.

STATUS OF PRIOR FINDINGS/SIGNIFICANT ISSUES

Prior Finding 2013-01 - Minutes of the Commission's August 16, 2013 meeting, do not meet requirements of the Open Meetings Act regarding executive sessions. As recorded, minutes indicate the Commission entered executive session without recording the purpose of the executive session; the vote of individual members to enter executive session; and there was no statement whether the commission would reconvene after the executive session and, if so, the approximate time they expected to reconvene.

The Alabama Open Meetings Act in the *Code of Alabama 1975*, Section 36-25A-7(b) states: "A governmental body desiring to convene an executive session, other than to conduct a quasi-judicial or contested case hearing, shall utilize the following procedure:

- (1) A quorum of the governmental body must first convene a meeting as defined in Section 36-25A-2(6) a.1 and 2.
- (2) A majority of the members of the governmental body present must adopt, by recorded vote, a motion calling for the executive session and setting out the purpose of the executive session, as provided in subsection (a). If subsection (a) requires an oral or written declaration before the executive session can begin, such oral or written declaration shall be made, prior to the vote.
- (3) The vote of each member shall be recorded in the minutes.
- (4) Prior to calling the executive session to order, the presiding officer shall state whether the governmental body will reconvene after the executive session and, if so, the approximate time the body expects to reconvene."

Recommendation - The Commission should comply with all requirements of the Open Meetings Act concerning executive sessions.

Current Status 2018 - Unresolved. The Commission did not comply with the requirements for convening an executive session during its Commission meeting held on June 20, 2014. The purpose of the executive session was not stated; individual votes of members were not recorded; there was no statement whether the Commission would reconvene after the executive session and, if so, the approximate time they expected to reconvene.

Prior Finding 2013-02 - The Commission does not have a records disposition authority (RDA) approved by the State Records Commission.

The *Code of Alabama 1975*, Section 41-13-21 states: "No state officer or agency head shall cause any state record to be destroyed or otherwise disposed of without first obtaining approval of the State Records Commission."

Recommendation - The Commission should create an RDA and obtain approval from the State Records Commission.

Current Status 2018 - Partially resolved. The Commission applied for a Records Disposition Authority but it has not yet approved by the Records Commission.

Prior Finding 2011-03 - In the previous finding we discovered licensee records were insufficient to document qualifications of applicants for licensure. The finding has been partially resolved. In the prior report, a sample of the Commission's records of 11 licensees was tested in order to determine if legal requirements for licensure were met. Six (6) of the sampled licensee records did not contain documentation showing that necessary requirements were met. Records for a licensed Matchmaker, Trainer, and a Second did not include documentation showing that experience requirements were met. Records for a licensed Timekeeper and Referee did not include documentation showing experience requirements were met, or that they had passed a required examination administered by the Commission.

The *Code of Alabama 1975*, Section 41-9-1030(c)(2) states: "The Commission shall issue a license under this section only if:... (2) The applicant has complied with all applicable requirements of this article and any rules and regulations promulgated pursuant to this article." The Commission has established the following requirements in its administrative rule 165-X-2-.03 which, when adopted, carries the force of law.

- "A matchmaker shall demonstrate to the Commission that he or she has at a minimum five years' experience in matchmaking, and shall produce a list of all professional fighters that he or she has matched, the promoters who promoted the matches, and the results of the matches."
- "An applicant shall demonstrate to the Commission that he or she has at a minimum one year experience in serving as a second, and shall produce a list of all professional fighters that he or she has served as a second, the promoters who promoted the matches, and the results of the matches."

The Commission has established the following requirements in its administrative rule 165-X-7-.01:

- "An applicant shall demonstrate to the Commission that he or she has, at a minimum, five years' experience in refereeing, and shall produce a list of all professional matches that he or she has served as referee, the judges who scored the matches, and the results of the matches. ...A referee must pass an examination administered by the Commission in order to be licensed as a referee."
- "An applicant shall demonstrate to the Commission that he or she has at a minimum five years' experience in timekeeping, and shall produce a list of all professional matches that he or she has served as official timekeeper, the referees who refereed the matches, and the results of the matches. ...A timekeeper must pass an examination administered by the Commission in order to be licensed as a timekeeper."

Prior Sunset Finding 2013-01 - In response our inquiry as to the status of this issue for the 2013 sunset review, the Commission responded, “The rule on this section was poorly written and we have since changed the rule. It is next to impossible to find the positions with the needed five years’ experience. The current requirement is for applicants to show experience not measured in years.”

Subsequently, the Commission amended Rules 165-X-2-.03 and 165-X-7-.01 to remove the 5 years’ experience requirement; however, the requirement for Judges, Referees, and Timekeepers to pass an examination is still in effect. The Commission does not administer an examination.

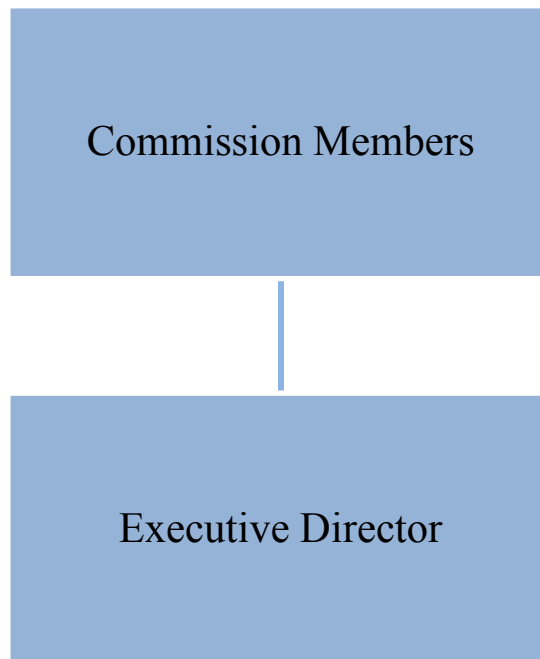
Recommendation - The Commission should only issue licenses to applicants who have met all requirements for licensure. Records of licensees should document compliance with all requirements.

Current Status 2014 - Partially resolved.

Current Status 2018 - Partially resolved. Under administrative code chapter 165-X-2-.07: Professional Mixed Martial Arts Rules, the examination requirement is still present for judges, referees, and timekeepers. Examination requirements also exist in rules for Professional Kickboxing and Amateur Kickboxing (165-X-6-.07 and 165-X-7-.07 respectively) for referees, judges, and timekeepers.

Five licensure files for a judge, a promoter, a second, a wrestler and a trainer were reviewed for this examination period. Records were sufficient to document qualifications of applicants for licensure. The Commission continues to license individuals who do not meet all the requirements for licensure since neither the Commission, nor any other entity administers an examination for judges, referees, or timekeepers of Mixed Martial Arts or Kickboxing.

ORGANIZATION



PERSONNEL

The Commission has no employees. The Commission has an emergency contract with McCormick Co., LLC for management services and office space. Joseph B. McCormick, president of McCormick Co. LLC serves as the Commission's executive director. The emergency contract currently in effect is \$7,500 per month plus expenses.

Legal Counsel

J. Matt Bledsoe, an employee of the Attorney General's office, provides legal counsel to the Commission.

PERFORMANCE CHARACTERISTICS

Number of Persons per Licensee in Alabama and surrounding States

	Population (estimate)*	Number of Licensees	Persons Per Licensee
Alabama	4,878,747	438³	11,139
Florida ¹	20,984,400	-	-
Georgia ²	10,429,379	1,284	8,123
Mississippi	2,984,100	553	5,396
Tennessee ¹	6,715,984	-	-
* Source: U.S. Census Bureau, July 2017 Population Estimates			
¹ Licensee information not available			
² Does not license tough man or professional wrestling.			
³ Calendar year 2017 licensee numbers			

Operating Disbursements per Licensee (FY 2017) - \$256.68

Notification of Commission decisions to Amend Administrative Rules

The Commission complied with notification procedures prescribed in the administrative Procedure Act, which includes publication of proposed rules in the Administrative Monthly, and public hearings on proposed rules. Licensees are not specifically notified of proposed changes.

COMPLAINT HANDLING

The Commission has not developed administrative rules or any policies for the recording, documenting, investigating, or resolving complaints received by the Commission.

Schedule of Complaints Resolutions					
Year/Number Received	Year/Number Resolved				Pending
	2014	2015	2016	2017	
2014 / 6	6	-	-	-	-
2015 / 10		10	-	-	-
2016 / 7			7	-	-
2017 / 11				11	-
2018 / 0*					-
*As of January 22, 2018					
Source: Administrator					

Average time to Resolve Complaints – Unknown. The Commission does not record the date a complaint is received.

REGULATION IN CONJUNCTION WITH OTHER ENTITIES

There is no direct overlap of regulation with other state or federal agencies.

FINANCIAL INFORMATION

Source of funds – Licensure fees and fines.

Fund

The Commission operates from Special Revenue Fund 1226, maintained in the State Treasury as authorized by the *Code of Alabama 1975*, Section 41-9-1039.

Schedule of Fees

Fee Type/Purpose	Statutory Authority	Administrative Rule	Amount Authorized	Amount Collected
Professional Boxer/ MMA Competitor	41-9-1030	165-X-1-.02 165-X-2-.02	≤ \$250	\$30
Amateur MMA Competitor	41-9-1030	165-X-3-.02	≤ \$250	\$25
Trainer or Second	41-9-1030	165-X-1-.02 165-X-2-.02 165-X-3-.02	≤ \$250	\$30
Manager or Matchmaker	41-9-1030	165-X-1-.02 165-X-2-.02 165-X-3-.02	≤ \$250	\$75
Timekeeper Judge Referee	41-9-1030	165-X-1-.02 165-X-2-.02 165-X-3-.02	≤ \$250	\$100
MMA Announcer	41-9-1024	165-X-2-.02 165-X-3-.02	Not stated	\$75
Promoter	41-9-1029	165-X-1-.02 165-X-2-.02 165-X-3-.02	≤ \$250	\$250
Match Permit Application	41-9-1029	165-X-1-.02 165-X-2-.02 165-X-3-.02	≤ \$250	\$250
Match Permit ⁽¹⁾	41-9-1029	165-X-1-.02 165-X-2-.02 165-X-3-.02 165-X-5-.02	Not stated	5%

Match permit, Boxing / MMA TV Broadcast⁽²⁾				
Receipts ≤ \$1,000,000	41-9-1029	165-X-1-.02 165-X-2-.02 165-X-3-.02	Not stated	3%
Receipts \$1,000,000 to \$3,000,000	41-9-1029	165-X-1-.02 165-X-2-.02 165-X-3-.02	Not stated	1%
Match Permit, Late Fee ⁽³⁾		165-X-1-.02 165-X-2-.02 165-X-3-.02	N/A	20%
WRESTLING				
Professional Wrestling Participant	41-9-1030	165-X-5-.02	≤ \$250	\$30
Wrestling Sanctioning Organization/ Promoter License	41-9-1030	165-X-5-.02	≤ \$1,000	\$100
Wrestling Event Permit	41-9-1029	165-X-5-.02	≤ \$250	\$25
Additional Wrestling Fee ⁽⁴⁾	41-9-1029	165-X-5-.02	Not stated	5%
Wrestling Broadcast Fee ⁽⁵⁾	41-9-1029	165-X-5-.02	Not stated	3%

⁽¹⁾ Percentage of gross receipts from ticket sales, \$250 minimum; No minimum for wrestling events.

⁽²⁾ Percentage of gross receipts from television and broadcast revenue, capped at \$50,000.

⁽³⁾ Percentage of match permit amount, due after 30 days, \$50 minimum.

⁽⁴⁾ Gate fee less the \$25 fee for event permit.

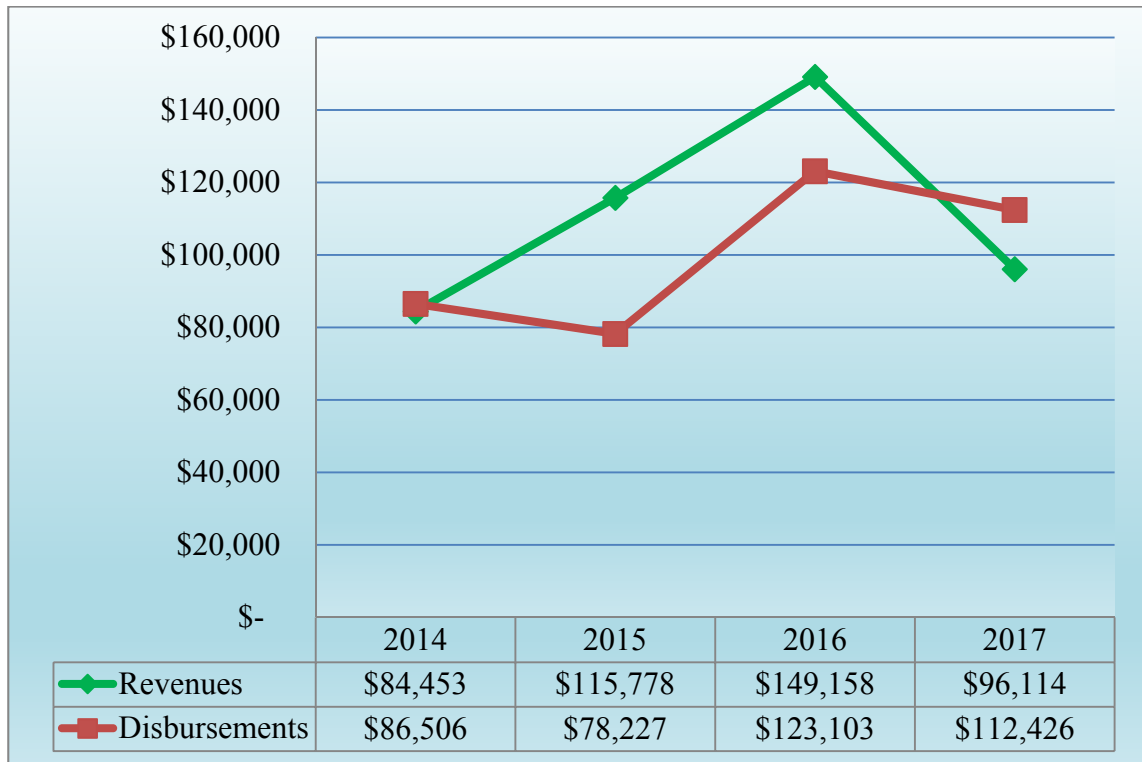
⁽⁵⁾ Event Fees (match permit + broadcast fee) for wrestling events may not exceed \$50,000.

Schedule of Receipts, Disbursements and Balances

October 1, 2013 through September 30, 2017

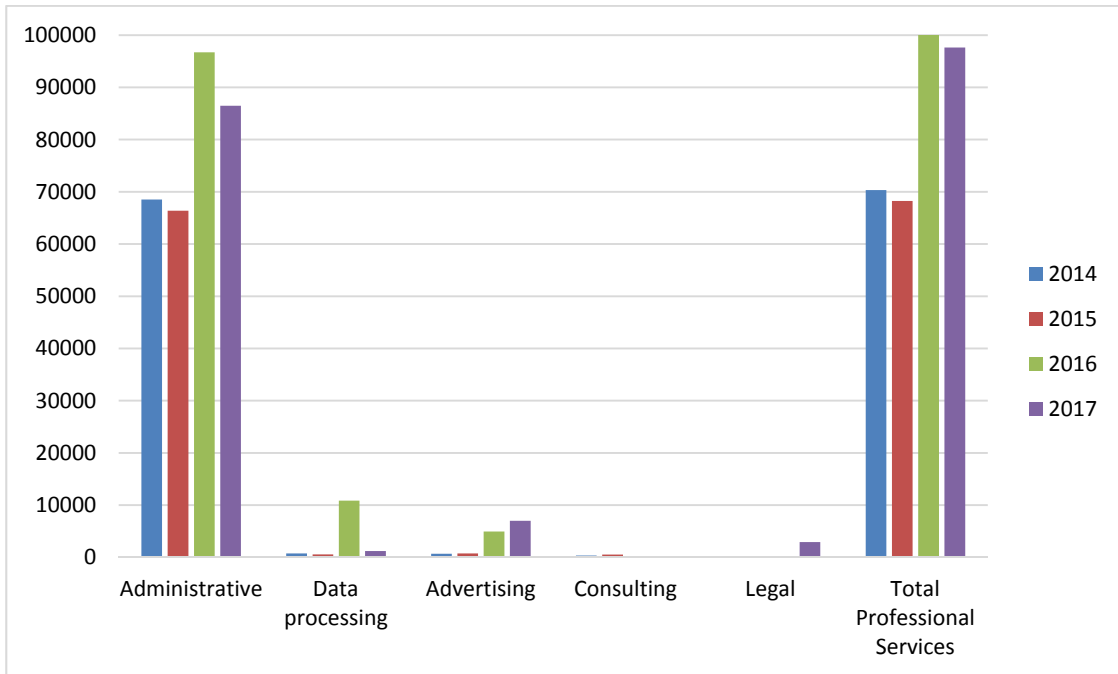
	<u>2016-2017</u>	<u>2015-2016</u>	<u>2014-2015</u>	<u>2013-2014</u>
<u>Receipts</u>				
License fees	\$ 96,091.44	\$ 139,157.95	\$ 115,378.29	\$ 83,498.61
Fines and Penalties	-	10,000.00	400.00	954.00
Prior Year Refund	22.50	-	-	-
Total	<u>96,113.94</u>	<u>149,157.95</u>	<u>115,778.29</u>	<u>84,452.61</u>
<u>Disbursements</u>				
Travel In-State	4,253.79	2,587.74	6,728.83	10,747.03
Travel Out-of-State	-	1,146.80	-	-
Rentals and Leases	-	-	75.00	-
Utilities and Communication	94.00	94.00	250.60	609.21
Professional Services	97,617.49	112,556.22	68,250.94	70,319.73
Supplies, Materials & Operating Expenses	3,450.99	5,615.47	2,921.50	4,830.09
Equipment Purchases	7,009.71	1,102.72	-	-
Total	<u>112,425.98</u>	<u>123,102.95</u>	<u>78,226.87</u>	<u>86,506.06</u>
Excess (Deficiency) of Receipts Over Disbursements	(16,312.04)	26,055.00	37,551.42	(2,053.45)
Cash Balances at Beginning of Year	<u>68,068.39</u>	<u>42,013.39</u>	<u>4,461.97</u>	<u>6,515.42</u>
Cash Balances at End of Year	51,756.35	68,068.39	42,013.39	4,461.97
Reserved for Year end Obligations	<u>(45,700.00)</u>	<u>(63,100.00)</u>	<u>(25,398.99)</u>	<u>(4,461.97)</u>
Unreserved Cash Balances at End of Year	<u>\$ 6,056.35</u>	<u>\$ 4,968.39</u>	<u>\$ 16,614.40</u>	<u>\$ -</u>

Operating Receipts vs. Operating Disbursements (Chart)



SUMMARY SCHEDULE OF PROFESSIONAL SERVICE DISBURSEMENTS*				
As of September 30				
Type of Service	FY 2014	FY 2015	FY 2016	FY 2017
Administrative	\$ 68,528.36	\$ 66,373.96	\$ 96,719.98	\$ 86,476.87
Data processing	741.37	566.98	10,876.24	1,225.62
Advertising	700.00	760.00	4,960.00	6,990.00
Consulting	350.00	550.00	-	-
Legal	-	-	-	2,925.00
Totals	\$ 70,319.73	\$ 68,250.94	\$ 112,556.22	\$ 97,617.49

Professional Service Disbursement Chart



QUESTIONNAIRES

Commission Member Questionnaire

Surveys were sent to all six Commission members of which three responded. The percentages, where shown, are based on the number who responded to the question.

1. What are the most significant issues currently facing the Commission and how is the Commission addressing these issues?

Commission Member #1 - “The findings by the Examiners of Public Accounts that each commissioner is individually responsible to pay back \$9,444.04 to the state for the necessary supplies, purchased by our contracted executive office, needed to run the day to day operations of the commission.”

Commission Member #2 - “1. The commission is well funded but resources are rapidly depleted by a far too expensive bid contract. The contract needs to be either re-bid or a request for proposal model needs to be adopted to help reduce monthly expenditures. Operational costs need to be reduced by 30% at a minimum to maintain solvency. 2. The bid contract is poorly understood by the individual commissioners and training should be done to ensure the commission stays within the guidelines of state administrative code. 3. Executive Director of the commission is hard to manage and is often going his own way and making decisions on behalf of the commission which have not been approved. He also requests things from the commission which are outside the guidelines of state administrative code as is the case with submitting expenses to the commission for reimbursement which he was not entitled to receive. In addition, he is on the national board for state commissions and is a voting member but votes independent of commission members. While he has been authorized to represent the commission at national meetings and functions, he has not been authorized to represent the opinion of the commission through voting. His votes have often been contrary to the wishes of the commission. To solve this issue the contract will be re-bid or RFP issued. New parameters for the new Director will be strictly outlined. 4. Enroll the commission in the SAVE program. There has been at least one attempt made to do so but we were denied the ability to join the program. Every effort should be made to ensure the commission is enrolled in the program.”

Commission Member #3 - “Adequate financial check and balances is the most significant issue that the Alabama Athletic Commission is facing. The Commission is addressing these issues by requiring prior authorization from the board for all expenditures.”

2. What changes to the Commission's laws are needed?

Commission Member #1 - “None.”

Commission Member #2 - “Minor changes to the law are needed to correct issues that were brought forth in the examiners’ report as it relates to administrative rules adopted by the commission.”

Commission Member #3 - “None that I am aware of.”

Commission Member Questionnaire

3. Is the Commission adequately funded?

Yes	2	66.67%
No	1	33.33%

4. Is the Commission adequately staffed?

Yes	3	100.0%
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5. Does the Commission receive regular reports on the operations of the Commission from the chief administrative officer?

Yes	3	100.0%
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6. Are you satisfied with the reports the Commission receives from the executive director?

Yes	1	33.33%
No	2	66.67%

7. Did the Commission experience any significant changes to its operations?

No	2	66.67%
Unknown	1	33.33%

8. What, if any, changes does the Commission plan to make to its operations?

Commission Member #1 - "None."

Commission Member #2 - "Re-bid the bid administrative contract, update administrative law and/or rules to reflect changes requested by public examiners report. Find ways to reduce operational costs. Examine event structure to ensure the best utilization of staff to minimize cost."

Commission Member #3 - "The Commission plans to hold the Executive Director more accountable for all expenditures."

Competitor Licensee Questionnaire

Surveys were sent to one hundred competition participant licensees of whom seven responded. The percentages, where shown, are based on the number of licensees who responded to the question.

1. Do you think regulation of competition by the Alabama Athletic Commission is necessary to protect public welfare?

Yes	1	14.29%
No	5	71.43%
Unknown	1	14.29%

2. Do you think any of the Commission's laws, rules, and policies are an unnecessary restriction?

Yes	4	57.14%
No	3	42.86%

Respondent #3 - Answered “Yes” - “Pure ridiculous to have A commission for pro wrestling. . . that ended many years ago with Governor Wallace. All this Commission is, is a scam!!!!”

Respondent #4 - Answered “Yes” – “There is no benefit to us for anything they do. Wrestling is sports entertainment not an actual sport. The rules are arbitrary and seem designed to only take out smaller promotions and people who can't afford the license. They also ask for far too much personal information. I had to provide more personal information to them than I did to get my driver’s license.

Respondent #5 - Answered “Yes” – “YES we are not making a lot of money for there to be regulations”

3. Do you think any of the Commission’s requirements are irrelevant to the competent practice of your profession?

Yes	6	85.71%
No	1	14.29%

4. Are you adequately informed by the Commission of changes to and interpretations of Commission positions, policies, rules and laws?

No	6	85.71%
No Opinion	1	14.29%

5. Did the Commission perform your licensing and renewal in a timely manner?

Yes	1	14.29%
No	5	71.42%
Unknown	1	14.29%

6. What do you think is the most significant issue(s) currently facing your profession in Alabama and what is the Commission doing to address the issue(s)?

Respondent #1 - "I think that charging us small operations for a small show in a small town is pathetic. Alabama is trying to make money off of people trying to bring a small venue to towns only because they love wrestling. Why charge these groups? I understand why charge WWE and large companies but Indy Wrestling draws maybe 100 fans. We spend more money than we make."

Respondent #2 - "No one wants to hold events because of licenses problems."

Respondent #3 - "Absolutely nothing!!! Some of my wrestlers gave some man named [REDACTED] a lot of money and they never got any kind of license. . . Me and about 50 people in this business thinks this is all a scam!! He comes in like he is a cop threatening people to shut the show down. He should not have any Part of our guys money. Again I hope someone actually reads this because this is a scam!!!!!! He is not even on the list of commissioners and he is the brother of the SO called commissioner and he comes in taking money and getting personal information and copies of our driver license!!!!!!!!!! I wish they had a meeting where all this could get addressed!!!!!!!!!!"

Respondent #4 - "Money. Most of our promotions here in the state are real small. They are struggling to get by as it is. The commission does nothing but add more strain on them and us. Many have been forced to quit because the restrictions far exceed the benefits now."

Respondent #5 - "No opinion"

Respondent #6 - "They need to inform the workers better."

Respondent #7 - "That the licenses are only good for that specific year. For example, if you get your license in June, you will then only have until the end of the same year in which you can use your license before having to buy another one. It's a money racket."

7. Do you think the Commission and its staff are satisfactorily performing their duties?

Yes	1	14.29%
No	4	57.14%
No Opinion	2	28.57%

Competitor Licensee Questionnaire

8. Did any member of the Commission or its staff ask for money (other than normal fees), services, or any other thing of value in return for performing a Commission service for you?

Yes	1	14.29%
No	6	85.71%

Officials Licensee Questionnaire

Surveys were sent to all twenty-two licensees registered as officials (timekeepers, judges, referees) of whom six responded. The percentages, where shown, are based on the number who responded to the question.

- 1. Do you think regulation of officials in competition by the Commission is necessary to protect public welfare?**

Yes	5	83.33%
Unknown	1	16.67%

- 2. Do you think any of the Commission’s requirements are an unnecessary restriction?**

No	6	100%
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Respondent #3 - “There must be rules and regulations.”

- 3. Do you think any of the Commission’s requirements are irrelevant to the competent practice of your profession?**

Yes	1	16.67%
No	4	66.67%
No Opinion	1	16.67%

- 4. Are you adequately informed by the Commission of changes to and interpretations of Commission positions, policies, rules and laws?**

Yes	4	66.67%
No Opinion	1	33.33%

- 5. Did the Commission perform your licensing and renewal in a timely manner?**

Yes	6	100%
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6. What do you think is the most significant issue(s) currently facing your profession in Alabama and what is the Commission doing to address the issue(s)?

Respondent #1 - “The Commission is always quick to address any issues we may have.”

Respondent #2 - “All officials should know current rules & regulations. It would be beneficial for all officials to be given copies of current rules & regulations.”

Respondent #3 - “I don’t know of any issues.”

Respondent #4 - “making sure everything is licensed and legal. And to protect the safety of the participants. And keeping with updated rules and safety measures. Which I am impressed with the job the Alabama Athletic Commission is doing and how far it’s grown into a very efficient commission.”

Respondent #5 - “Officials just need more opportunities to work and keep their edge. We would always like to see more events, more experience.”

Respondent #6 - “N/A”

7. Do you think the Commission and its staff are satisfactorily performing their duties?

Yes	6	100%
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8. Did any member of the Commission, its staff, or representatives ask for money (other than normal fees), services, or any other thing of value in return for performing a Commission service for you?

No	6	100%
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Competition Facilitators Licensee Questionnaire

Surveys were sent to 100 Competition facilitators (seconds, trainers, promoters, and matchmakers) of whom eleven responded. The percentages, where shown, are based on the number who responded to the question.

- 1. Do you think regulation of managers, promoters, seconds, trainers, matchmakers and/or announcers by the Commission is necessary to protect public welfare?**

Yes	6	54.55%
No	5	45.45%

- 2. Do you think any of the Commission’s requirements are an unnecessary restriction?**

Yes	4	36.36%
No	5	45.45%
Unknown	1	9.09%
No Opinion	1	9.09%

Respondent #5 - Answered “Yes” – “Outside of the most basic business of requiring liability insurance and maintaining certain equipment standards, the state should stay out of voluntary transactions between adults.”

Respondent #8 - Answered “Yes” – “Only 2 corner man and not 3, plus the second corner man cannot be close to the cage.”

Respondent #11 - Answered “Yes” – “You have people trying to govern pro wrestling/MMA that don’t even know the first thing about prop wrestling/MMA. So, yes these people came up with unnecessary restrictions.”

- 3. Do you think any of the Commission’s requirements are irrelevant to the competent practice of your profession?**

Yes	5	45.45%
No	6	54.55%

- 4. Are you adequately informed by the Commission of changes to and interpretations of Commission positions, policies, rules and laws?**

Yes	4	36.36%
No	6	54.55%
No Opinion	1	9.09%

Competition Facilitators Licensee Questionnaire

5. Did the Commission perform your licensing and renewal in a timely manner?

Yes	7	63.64%
No	4	36.36%

6. What do you think is the most significant issue(s) currently facing your profession in Alabama and what is the Commission doing to address the issue(s)?

Respondent #1 - “not sure”

Respondent #2 - “Alabama Commission is a joke. Why are small companies even charged this fee when they are not even real companies. Just a bunch of guys with a ring who perform for a small group of fans. Alabama makes money off this and that is insane. WHY?”

Respondent #3 - “I still have not received a copy of my 2017 promoters license, even though I renewed in January 2017. If I choose to promote an event, the permit request is supposed to be 30 days in advance. The dates a building has available might not give me adequate time to submit this request. Tends to be most frequent with benefit events.”

Respondent #4 - “No problems”

Respondent #5 - “Many of the fees and regulations provide a significant barrier to entry for new promoters. I also feel that the commission has no business regulating managers as they are simply a representative of a fighter for contract negotiations and have no impact on the public or the safety of participants. If anything, trainers should be barred from acting as managers because of the inherent conflict of interest surrounding a gym’s relationship with certain promotions.”

Respondent #6 - “The commission is a complete joke. They will give anyone who gives them money a wrestling license. They could at least put forth the effort to validate the person so his license actually means something and we know that this person is a trained professional not just some kid who learned by watching TV.”

Respondent #7 - “Lack of public support. . . . unknown.”

Respondent #8 - “What I stated about the corner situation.”

Respondent #9 - “Hiring un-experienced staff to fill positions of referees and judges which negatively effecting the sport and events they are participating in.”

Respondent #10 - “Need to address the referees assigned to MMA bouts. They seem unlearned and nervous.”

Respondent #11 - “The Commission does not do anything to address any issues. All they do is show up, take money, and leave. I've never seen them stay an entire show. It's obvious they are there just to take money. This Commission is guilty of so much discrimination that some promoters and participants will not come back to Alabama. There are also several promoters and participants who live in Alabama that refuse to promote and or participate in the state of Alabama. They travel outside the state to promote and participate.”

Competition Facilitators Licensee Questionnaire

7. Do you think the Commission and its staff are satisfactorily performing their duties?

Yes	4	36.36%
No	4	36.36%
Unknown	2	18.18%
No Opinion	1	9.09%

8. Did any member of the Commission, its staff, or representatives ask for money (other than normal fees), services, or any other thing of value in return for performing a Commission service for you?

Yes	1	9.09%
No	10	90.91%

APPENDICES

Applicable Statutes

Section 41-9-1020. Short title.

This article shall be known and may be cited as the Alabama Boxing, Wrestling, and Mixed Martial Arts Act.

CREDIT(S)

(Act 2009-622, p. 1872, § 1; Act 2010-222, p. 392, p. 392, § 1; Act 2013-285, § 1.)

Section 41-9-1021. Definitions.

As used in this article, the following terms shall have the following meanings:

(1) Amateur. A person who engages in a match, contest, or exhibition of boxing, tough man contests, wrestling, or mixed martial arts, for no compensation or thing of value for participating, which is governed or authorized by any of the following:

- a. U.S.A. Boxing.
- b. The Alabama High School Athletic Association.
- c. The National Collegiate Athletic Association.
- d. Amateur Athletic Union.
- e. Golden Gloves.
- f. The local affiliate of any organization listed in this subdivision.
- g. USA Wrestling.
- h. The National Junior College Athletic Association.
- i. The National Association of Intercollegiate Athletics.
- j. The National Collegiate Wrestling Association.
- k. Any organization licensed by the commission.

(2) Boxing match. A contest between two individuals in which contestants score points in rounds of two or three minutes by striking with gloved fists the head and upper torso of the opponent or by knocking the opponent down and rendering the opponent unconscious or incapable of continuing the contest by the blows, which contest is held in a square ring supervised by a referee and scored by three judges.

(3) Boxing registry. A registry created or designated pursuant to subsection (k) of Section 41-9-1024.

(4) Charitable organization. An entity described by either of the following:

- a. Section 501(c)(3), Internal Revenue Code of 1986 (26 U.S.C. Section 501(c)(3)).
- b. Section 170(c), Internal Revenue Code of 1986 (26 U.S.C. Section 170(c)).

(5) Commission. The Alabama Athletic Commission.

(6) Exhibition. A contest where the participants engage in the use of boxing skills and techniques, tough man skills and techniques, wrestling skills and techniques, or mixed martial arts skills and techniques, or any or all of these, and where the objective is to display the skills and techniques without striving to win.

(7) Face value. The dollar value of a ticket or order shall reflect the dollar amount that the customer shall pay in order to view the match, contest, exhibition, or entertainment event. Face value shall include any charges or fees, such as dinner, gratuity, parking, surcharges, or any other charges or fees which are charged to and must be paid by the customer in order to view the match, contest, exhibition, or entertainment event. It shall exclude any portion paid by the customer for federal, state, or local taxes.

(8) Gross receipts. Any of the following:

- a. The gross price charged for the sale or lease of broadcasting, television, closed circuit, or motion picture rights without any deductions for commissions, brokerage fees, distribution fees, production fees, advertising, or other expenses or charges.
- b. The face value of all tickets sold.

(9) Manager. A person who, under contract, agreement, or other arrangement with a boxer or a mixed martial arts competitor, undertakes to control or administer, directly or indirectly, a matter on behalf of a boxer or a mixed martial arts competitor. The term includes, but is not limited to, a person who functions as a booking agent, adviser, or consultant.

(10) Matchmaker. A person who is employed by or associated with a promoter in the capacity of booking and arranging professional matches, contests, or exhibitions of boxing or mixed martial arts between opponents or who proposes professional matches, contests, or exhibitions of boxing or mixed martial arts and selects and arranges for the participants in such events and for whose activities in this regard the promoter is legally responsible.

(11) Mixed martial arts. Unarmed combat involving the use of any combination of techniques from different disciplines of the martial arts, including, without limitation, grappling, submission holds, throws, and striking or kicking with the hands, feet, knees, or elbows. The term mixed martial arts includes kickboxing.

(12) Person. An individual, partnership, firm, association, corporation, or combination of individuals of whatever form or character.

(13) Physician. A doctor of medicine or doctor of osteopathy licensed to practice medicine in the State of Alabama.

(14) Professional. A person who is participating or has participated in a match, contest, or exhibition of boxing, wrestling, or mixed martial arts which is not governed or authorized by one or more of the organizations listed in subdivision (1) and any of the following:

- a. Has received or competed for or is receiving or competing for any cash as a salary, purse, or prize for participating in any match, contest, or exhibition of boxing, wrestling, or mixed martial arts.
- b. Is participating or has participated in any match, contest, or exhibition of boxing, wrestling, or mixed martial arts to which admission is granted upon payment of any ticket for admission or other evidence of the right of entry.
- c. Is participating or has participated in any match, contest, or exhibition of boxing, wrestling, or mixed martial arts which is or was filmed, broadcast, or transmitted for viewing.
- d. Is participating or has participated in any match, contest, or exhibition of boxing, wrestling, or mixed martial arts which provides a commercial advantage by attracting persons to a particular place or promoting a commercial product or enterprise.

(15) Professional match of boxing, wrestling, or mixed martial arts.

a. A boxing match, contest, or exhibition; a wrestling match; or a mixed martial arts match, contest, or exhibition, which is not governed or authorized by one or more of the organizations listed in subdivision (1) and which does any of the following:

1. Rewards a boxer, wrestler, or mixed martial arts competitor participating with cash as a salary, purse, or prize for such participation.
2. Requires for admission payment of a ticket or other evidence of the right of entry.
3. Is filmed, broadcast, or transmitted for viewing.
4. Provides a commercial advantage by attracting persons to a particular place or promoting a commercial product or enterprise.

b. The term does not include unarmed combat.

(16) Professional wrestling. Any organized event between two unarmed contestants in which

participants compete primarily for the purpose of providing entertainment to spectators that may or may not comprise a bona fide athletic contest or competition.

(17) Promoter. The person primarily responsible for organizing, promoting, and producing a match, contest, or exhibition of professional boxing, tough man contest, professional wrestling, or mixed martial arts and who is legally responsible for the lawful conduct of such professional match, contest, or exhibition.

(18) Purse or ring earnings. The financial guarantee or any other remuneration, or part thereof, which a professional boxer, wrestler, or mixed martial arts competitor participating in a match, contest, or exhibition will receive and includes any share of any payment received for radio broadcasting, television, or motion picture rights.

(19) Tough man contest. A boxing match and tournament where each contestant wears headgear and oversized gloves. A contestant in a tough man contest is not an amateur or a professional and cash prizes may be awarded.

(20) Unarmed combat.

a. Any form of competition between human beings in which both of the following occurs:

1. One or more blows are struck which may reasonably be expected to inflict injury on a human being.

2. There is some compensation or commercial benefit arising from such competition, whether in the form of cash or non-cash payment to the competitors or the person arranging the competition; the sale of the right to film, broadcast, transmit, or view the competition; or the use of the competition to attract persons to a particular location for some commercial advantage or to promote a commercial product or commercial enterprise.

b. Unarmed combat does not include any of the following:

1. Professional boxing.

2. Professional wrestling.

3. Amateur boxing.

4. Amateur wrestling.

5. Any competition displaying the skills of a single form of a system of unarmed self-defense, including, but not limited to, kickboxing, karate, or full-contact karate, which is held pursuant to the rules of that form and governed or authorized by a nationally recognized organization.

6. Professional mixed martial arts.

7. Amateur mixed martial arts.

8. Tough man contests.

9. Professional wrestling.

CREDIT(S)

(Act 2009-622, p. 1872, § 2; Act 2010-222, p. 392, § 1; Act 2011-164, p. 297, § 3; Act 2013-285, § 1.)

Section 41-9-1022. Application.

This article shall not be construed to apply to any match, contest, or exhibition of boxing or wrestling in which the contestants are all amateurs and which is governed or authorized by any of the following:

(1) U.S.A. Boxing.

(2) The Alabama High School Athletic Association.

(3) The National Collegiate Athletic Association.

(4) Amateur Athletic Union.

(5) Golden Gloves.

(6) USA Wrestling.

- (7) The National Junior College Athletic Association.
- (8) The National Association of Intercollegiate Athletics.
- (9) The National Collegiate Wrestling Association.
- (10) The local affiliate of any organization listed in this section.

CREDIT(S)

(Act 2009-622, p. 1872, § 3; Act 2013-285, § 1.)

Section 41-9-1023. Alabama Athletic Commission - Creation; composition; medical advisory panel.

(a) There is created the Alabama Athletic Commission composed of six members.

(b)(1) The membership of the commission shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state. The six initial members shall be as follows:

- a. Two members appointed by the Governor.
- b. One member appointed by the Alabama Athlete Agents Commission.
- c. One member appointed by the Speaker of the House of Representatives.
- d. One member appointed by the President of the Senate.
- e. One member appointed by the President Pro Tempore of the Senate.

(2) Initial appointments by the Governor shall be for one and three years, the initial appointment by the Speaker of the House of Representatives shall be for four years, the initial appointment of the President of the Senate shall be for two years, and the initial appointment of the President Pro Tempore of the Senate shall be for one year. The initial appointment by the commission shall be for four years. All subsequent appointments shall be for terms of four years. Vacancies shall be filled for the unexpired terms under the same procedures and requirements as appointments for full terms. Each member of the commission shall be a citizen of this state and no two members shall be from the same congressional district at the time of appointment.

(c) The commission shall elect a chair from among its membership for a term of one year. While serving as chair, a member may not vote on any matter coming before the commission. The commission may elect a vice chair from its membership for a term of one year. Any member serving as chair shall be eligible for successive election to the office by the commission. The chair may designate another member of the commission to perform the duties of chair in his or her absence. The commission may employ an executive director to manage the day-to-day operations of the commission within the available funds of the commission.

(d) A medical advisory panel of the commission shall be appointed by the Governor and shall consist of four persons licensed to practice medicine in this state, representing the specialties of neurology, ophthalmology, sports medicine, and general medicine. The medical advisory panel shall advise and assist the commission and its staff regarding issues and questions concerning the medical safety of professional boxers, tough man contestants, professional wrestlers, amateur mixed martial arts competitors, and professional mixed martial arts competitors including, but not limited to, matters relating to medical suspensions. The medical advisory panel may meet separately from the commission to discuss and formulate recommendations for the commission in connection with medical safety. Members of the medical advisory panel shall not be counted in determining a quorum of the commission and shall not vote as commission members.

(e) Each member of the commission and the medical advisory panel shall be reimbursed for expenses and travel as provided for public officials of this state.

CREDIT(S)

(Act 2009-622, p. 1872, § 4; Act 2010-222, p. 392, § 1; Act 2011-164, p. 297, § 3; Act 2013-285, § 1.)

Section 41-9-1024. Alabama Athletic Commission -- Powers and duties.

(a)(1) The commission shall be the sole regulator of professional boxing in this state and shall have authority to protect the physical safety and welfare of professional boxers and serve the public interest by closely supervising all professional boxing in this state.

(2) The commission shall be the sole regulator of professional and amateur matches, contests, or exhibitions of mixed martial arts and shall have the authority to protect the physical safety and welfare of professional competitors in mixed martial arts and serve the public interest by closely supervising all competitors in mixed martial arts. The commission shall regulate professional and amateur mixed martial arts to the same extent as professional boxing unless any rule of the commission is not by its nature applicable to mixed martial arts.

(3) Commencing on May 22, 2013, the commission shall be the sole regulator of professional matches, contests, or exhibitions of wrestling and shall have the authority to protect the physical safety and welfare of professional competitors in professional wrestling and serve the public interest by closely supervising all competitors in professional wrestling. The commission shall regulate professional wrestling to the same extent as professional boxing unless any rule of the commission is not by its nature applicable to professional wrestling.

(4) The commission shall have the sole authority to license a wrestling sanctioning organization to safeguard the public health, to protect competitors, and to provide for competitive matches by requiring each licensed organization to abide by rules promulgated by the commission. The commission, at the request of a licensed sanctioning organization, may provide direct oversight of any event sanctioned by the organization for a fee negotiated between the commission and the licensed sanctioning organization.

(5) The commission shall have the sole authority to license the promoters of tough man contests to safeguard the public health, to protect competitors, and to provide for competitive matches by requiring each licensed promoter to abide by rules promulgated by the commission. The commission, at the request of a promoter, may provide direct oversight of any tough man match for a fee negotiated between the commission and the promoter.

(b) The commission shall have the sole jurisdiction to license the promotion or holding of each match, contest, or exhibition of professional boxing, tough man contests, professional wrestling, amateur mixed martial arts, or professional mixed martial arts promoted or held within this state.

(c) The commission shall have the authority to license participants in any match, contest, or exhibition of professional boxing, professional wrestling, amateur mixed martial arts, or professional mixed martial arts held in this state.

(d) The commission shall have the authority to direct, manage, control, and supervise all matches, contests, or exhibitions of professional boxing, tough man contests, professional wrestling, amateur mixed martial arts, or professional mixed martial arts including, but not limited to, the authority to enforce safety measures and restrict access to certain areas for the protection of the public and participants. The commission may adopt bylaws for its own management and promulgate and enforce rules and regulations consistent with this article.

(e) The commission shall have the sole authority to inquire into the plans or arrangements for compliance of a licensed organization with rules promulgated by the commission. The commission may require a wrestling sanctioning organization to pay an annual licensure fee and any other fee determined necessary by the board and may penalize any organization for violation of this article or any rule promulgated by the commission pursuant to this article.

(f) The commission may appoint one or more inspectors as duly authorized representatives of the commission to ensure that the rules are strictly observed. The inspectors shall be present at all professional matches, contests, or exhibitions of boxing, wrestling, or mixed martial arts.

(g) The commission may designate physicians as duly authorized representatives of the commission to conduct physical examinations of boxers or mixed martial arts competitors licensed under this article and shall designate a roster of physicians authorized to conduct prefight physicals and serve as ringside physicians in all professional boxing, tough man, or mixed martial arts matches held in this state.

(h)(1) The commission or any agent duly designated by the commission may do any of the following:

- a. Make investigations.
- b. Hold hearings.
- c. Issue subpoenas to compel the attendance of witnesses and the production of books, papers, and records.
- d. Administer oaths to and examine any witnesses for the purpose of determining any question coming before it under this article or under the rules and regulations adopted pursuant to this article.
- e. Swear out a warrant of arrest against any person violating the criminal provisions of this article, and the commission shall not be liable in damages or to any action for damages by reason of swearing out a warrant or for causing the arrest and detention or imprisonment of any person under such warrant, unless the commission or agent fails to act in a reasonably prudent manner.

(2) During an investigation of any allegation which, if proven, would result in criminal or civil sanctions as provided in this article, the commission may withhold all or a portion of the gross receipts to which the person under investigation is entitled until such time as the matter has been resolved.

(i) The commission may engage in activities which promote amateur boxing, amateur wrestling, and amateur mixed martial arts in this state and contract with any nonprofit organization which is exempted from the taxation of income. To support amateur boxing, amateur wrestling, and amateur mixed martial arts in this state, the commission may promote voluntary contributions through the application process or through any fund-raising or other promotional technique deemed appropriate by the commission.

(j) Pursuant to 15 U.S.C. Section 6301, et seq., the commission may issue to each boxer who is a resident of this state an identification card bearing the photograph of the boxer and in such form and containing such information as the commission deems necessary and appropriate. The commission shall ensure that the form and manner of issuance of the identification cards comply with any applicable federal law or regulation. The commission may charge an amount not to exceed one hundred dollars (\$100) per card for the issuance or replacement of each identification card.

(k) The commission may create a boxing registry or designate a nationally recognized boxing registry and register each boxer who is a resident of this state or who is a resident of another state which has no boxing registry.

(l) The commission may inquire into the financial backing of any professional match, contest, or exhibition of boxing, wrestling, or mixed martial arts and obtain answers to written or oral questions propounded to all persons associated with the professional event.

(m) The commission, pursuant to rule, may license any concessionaire, ring announcer, photographer, or other person receiving any portion of the gate proceeds from a match, contest, or exhibition held in the state pursuant to this article.

CREDIT(S)

(Act 2009-622, p. 1872, § 5; Act 2010-222, p. 392, § 1; Act 2011-164, p. 297, § 3; Act 2013-285, § 1.)

Section 41-9-1025. Alabama Athletic Commission -- Executive director.

The commission shall designate a person to serve as executive director and the executive director shall issue licenses and identification cards and perform other duties as the commission may direct in the enforcement of this article.

CREDIT(S)

(Act 2009-622, p. 1872, § 6; Act 2013-285, § 1.)

Section 41-9-1026. Alabama Athletic Commission -- Meetings.

(a) The commission shall meet upon the call of the chair or upon the call of any two members. The business of the commission shall be conducted by a majority vote of the members present. A majority of the commission members shall constitute a quorum.

(b) The chair, if necessary, may within 10 days of receiving an application and license fee call a meeting of the commission for the purpose of approving or rejecting an application for a license or match permit which has been submitted to the commission. The meeting shall be held within 20 days of the call of the chair at a place designated by the chair.

CREDIT(S)

(Act 2009-622, p. 1872, § 7.)

Section 41-9-1027. Alabama Athletic Commission -- Rules and regulations.

The commission shall adopt rules and regulations governing professional boxing, tough man contests, amateur mixed martial arts, and professional mixed martial arts to establish the following:

(1) Procedures to evaluate the professional records and physician certifications of each boxer participating in a match, contest, or exhibition of professional boxing, tough man contests, amateur mixed martial arts, and professional mixed martial arts and to deny authorization for a professional boxer, tough man contestant, amateur mixed martial arts competitor, or professional mixed martial arts competitor to fight where appropriate.

(2) Procedures to ensure that, except as otherwise provided in subsection (c) of Section 41-9-1032, no professional boxer, amateur mixed martial arts competitor, or professional mixed martial arts competitor shall be permitted to participate while under suspension from any state boxing or athletic commission because of any of the following:

- a. A recent knockout, technical knockout, or series of consecutive losses.
- b. An injury, requirement for a medical procedure, or physician's denial of certification.
- c. Failure of a drug test.
- d. The use of false aliases or falsifying official identification cards or document.
- e. Other reasons as determined by the commission.

(3) Procedures to report to the boxing registry the results of all professional matches, contests, or exhibitions of boxing held in this state or being supervised by the commission and any related suspensions.

CREDIT(S)

(Act 2009-622, p. 1872, § 8; Act 2013-285, § 1.)

Section 41-9-1028. Alabama Athletic Commission -- Conflict of interest.

A member or employee of the commission and any person who administers or enforces this article or rules promulgated in accordance with this article shall not be a member of, contract with, or receive any compensation from any person or organization who authorizes, arranges, or promotes matches, contests, or exhibitions of professional boxing, tough man contests, professional wrestling, amateur mixed martial arts, or professional mixed martial arts or who otherwise has a financial interest in any activity or licensee regulated by the commission. The term compensation does not include funds held in escrow for payment to another person in connection with a professional match, contest, or

exhibition of boxing, wrestling, or mixed martial arts.

CREDIT(S)

(Act 2009-622, p. 1872, § 9; Act 2010-222, p. 392, § 1; Act 2013-285, § 1.)

Section 41-9-1029. Promoter license; match permit; amateur mixed martial arts matches, contests, exhibitions.

(a)(1) No person shall promote or hold a match, contest, or exhibition of professional boxing, tough man contests, professional wrestling, amateur mixed martial arts, or professional mixed martial arts within this state without first applying for and obtaining a promoter's license from the commission.

(2) Licenses shall be issued annually and shall expire on December 31 of each calendar year.

(b) Promoters shall apply to the commission for a license required by subsection (a) on a form provided by the commission. The application shall be accompanied by a nonrefundable fee not to exceed two hundred fifty dollars (\$250). The application shall also be accompanied by a performance bond in an amount and under any conditions required by the commission.

(c)(1) In addition to the license required by subsection (a), a match, contest, or exhibition of professional boxing, tough man contests, professional wrestling, amateur mixed martial arts, or professional mixed martial arts within this state shall not be staged unless a match permit has been issued by the commission for the match, contest, or exhibition.

(2) Each application for a match permit shall be on a form provided by the commission and shall be accompanied by a nonrefundable application fee not to exceed two hundred fifty dollars (\$250). The commission may charge an additional match fee in accordance with rules and regulations promulgated by the commission.

(d) The commission, prior to issuing any match permit, may require a performance bond in addition to that required in subsection (b).

(e) The commission may refund any portion of the match permit fee in excess of two hundred fifty dollars (\$250) to any person who paid the excess fee if the match, contest, or exhibition of professional boxing, tough man contests, professional wrestling, amateur mixed martial arts, or professional mixed martial arts for which the fees were paid is not held.

(f) The commission shall have the sole authority to certify the results of each amateur mixed martial arts match, contest, or exhibition held within the state.

CREDIT(S)

(Act 2009-622, p. 1872, § 10; Act 2010-222, p. 392, § 1; Act 2011-164, p. 297, § 3; Act 2013-285, § 1.)

Section 41-9-1030. Participant license.

(a) Prior to participating in a match, contest, or exhibition of professional boxing, professional wrestling, amateur mixed martial arts, or professional mixed martial arts supervised by the commission, referees, judges, timekeepers, matchmakers, boxers, wrestlers, mixed martial arts competitors, managers, trainers, and each person who assists a boxer, wrestler, or mixed martial arts competitor immediately before and after a match, contest, or exhibition of boxing, wrestling, or mixed martial arts and between rounds during a match, contest, or exhibition of boxing, wrestling, or mixed martial arts shall be required by the commission to apply for and be issued a license. Licenses shall be issued annually and shall expire on December 31 of each calendar year. Each applicant shall make application on a form provided by the commission and pay an annual license fee not to exceed two hundred fifty dollars (\$250).

(b) The nonrefundable initial licensing fee and annual renewal fee for a professional wrestling sanctioning organization may not exceed one thousand dollars (\$1,000).

(c) The commission shall issue a license under this section only if:

- (1) The commission has determined to the best of its ability that the applicant has the training or skills necessary to perform in a manner appropriate to the license.
- (2) The applicant has complied with all applicable requirements of this article and any rules and regulations promulgated pursuant to this article.
- (3) The commission or its designated representative has determined from information provided by the applicant and from any medical evaluation required by the commission that the health, welfare, and physical safety of the applicant will not be unduly jeopardized by the issuance of the license.
- (4) The applicant is a citizen of the United States or, if not a citizen of the United States, a person who is legally present in the United States with appropriate documentation from the federal government.

CREDIT(S)

(Act 2009-622, p. 1872, § 11; Act 2010-222, p. 392, § 1; Act 2011-164, p. 297, § 3; Act 2013-285, § 1.)

Section 41-9-1031. Participant registration.

- (a) In addition to the license required in Section 41-9-1030, each professional boxer, amateur mixed martial arts competitor, or professional mixed martial arts competitor who is a resident of this state or another state which has no state boxing or athletic commission shall register with a boxing, amateur mixed martial arts, or professional mixed martial arts registry created or designated by the commission and renew his or her registration as prescribed by rules of the commission.
- (b) At the time of registration and renewal, the boxer, amateur mixed martial arts competitor, or professional mixed martial arts competitor shall provide the registry with a recent photograph of the licensee and the Social Security number of the licensee or, in the case of a foreign licensee, any similar citizen identification number or licensee number from the country of residence of the licensee, along with any other information the commission requires. The registries shall issue a personal identification number to each licensee and the number shall appear on the identification card issued to the licensee as a result of registration. Each licensee shall present to the commission an identification card issued by the state in which he or she resides not later than the time of the weigh-in for a match, contest, or exhibition.
- (c) The commission may charge a registration fee in an amount calculated to cover the administrative expense of the registration.

CREDIT(S)

(Act 2009-622, p. 1872, § 12; Act 2013-285, § 1.)

Section 41-9-1032. Refusal to grant license; disciplinary action; suspension or revocation of match permit.

(a) The commission may refuse to grant a license to an applicant upon a finding by a majority of the entire commission that the applicant has failed to demonstrate the qualifications or standards for a license contained in this section or under the laws, rules, and regulations under which licensure is sought. The applicant shall demonstrate to the satisfaction of the commission that he or she meets all the requirements for the issuance of a license, and, if the commission is not satisfied as to the qualifications of the applicant, it may deny a license without a prior hearing; however, the applicant shall be allowed to appear before the commission if he or she so desires.

(b)(1) The commission, by majority vote, after prior notice to the holder of a license and after affording such a holder an opportunity to be heard, may fine the license holder, revoke or suspend the license, or take other disciplinary action against the licensee upon the recommendation of any officially designated representative for reasons involving the medical or physical safety of any professional boxer, tough man contestant, amateur mixed martial arts competitor, or professional

mixed martial arts competitor licensed by the commission, summarily suspend any license previously issued by the commission, or take other disciplinary action against any licensee. The licensee shall, after the summary suspension, be afforded an opportunity to be heard, in accordance with the rules of the commission and the Alabama Administrative Procedure Act. A summary suspension imposed against such a licensee may include, but shall not be limited to, the following:

a. Prohibiting any professional boxer, tough man contestant, amateur mixed martial arts competitor, or professional mixed martial arts competitor from competing, appearing in, or participating in any match, contest, or exhibition within 60 days of having suffered a knockout.

b. Prohibiting any professional boxer, amateur mixed martial arts competitor, or professional mixed martial arts competitor, from competing, appearing in, or participating in any match, contest, or exhibition within 30 days of having suffered a technical knockout where evidence of head trauma has been determined by the attending ringside physician.

(2) The length of any summary suspension invoked pursuant to this subsection, upon the recommendation of the ringside physician, may be extended to any number of days. The terms and conditions of the suspension or revocation may require that the boxer submit to further medical evaluation as determined by the ringside physician.

(c) The commission, its executive director, or its duly authorized representative, at any time prior to the completion of a permitted match, contest, or exhibition of professional boxing, a tough man contest, professional wrestling, amateur mixed martial arts, or professional mixed martial arts, may summarily suspend or revoke the match permit or the license of any specific boxer, wrestler, or mixed martial arts competitor should it be determined by such person that the continuation of the match, contest, or exhibition of professional boxing, professional wrestling, amateur mixed martial arts, or professional mixed martial arts may jeopardize the health, welfare, morals, or safety of the citizens of this state or may jeopardize the health or personal safety of any participant of the match, contest, or exhibition of professional boxing, professional wrestling, amateur mixed martial arts, or professional mixed martial arts; provided, however, that the licensee, after a summary suspension, shall be afforded an opportunity to be heard, in accordance with the rules of the commission and the Alabama Administrative Procedure Act.

(d) The commission may revoke a suspension of a professional boxer, professional wrestler, amateur mixed martial arts competitor, or professional mixed martial arts competitor if any of the following applies:

(1) The professional boxer, professional wrestler, or mixed martial arts competitor was suspended pursuant to rules and regulations adopted pursuant to Section 41-9-1027 and has furnished proof of a sufficiently improved medical or physical condition.

(2) The professional boxer, professional wrestler, or mixed martial arts competitor furnishes proof that a suspension pursuant to Section 41-9-1027 was not or is no longer merited by the facts.

CREDIT(S)

(Act 2009-622, p. 1872, § 13; Act 2010-222, p. 392, § 1; Act 2013-285, § 1.)

Section 41-9-1033. Participant requirements.

No person shall arrange, promote, organize, produce, or participate in a match, contest, or exhibition of professional boxing, professional wrestling, amateur mixed martial arts, or professional mixed martial arts unless he or she has complied with the following requirements:

(1) An examination by a physician who has certified that the boxer or mixed martial arts competitor is physically fit to compete safely. Copies of each certificate shall be provided to the commission prior to the match, contest, or exhibition of professional boxing, amateur mixed martial arts, or professional mixed martial arts. The commission may require a boxer, tough man

contestant, wrestler, or mixed martial arts competitor to undergo a physical examination, including neurological or neuropsychological tests and procedures.

(2) A physician approved by the commission shall be continuously present at ringside during every match, contest, or exhibition of professional boxing, tough man contest, professional wrestling, amateur mixed martial arts, or professional mixed martial arts. The physician shall observe the physical condition of the boxers, tough man contestants, wrestlers, or competitors in mixed martial arts and advise the referee with regard to the boxers, tough man contestants, wrestlers, or competitors.

(3) One or more inspectors appointed by the commission as duly authorized representatives of the commission shall be present at each match, contest, or exhibition of professional boxing, tough man contests, professional wrestling, amateur mixed martial arts, or professional mixed martial arts to ensure that the rules are strictly observed. An inspector or other duly authorized representative of the commission shall be present at the weigh-in and at the ring during the conduct of the match, contest, or exhibition of professional boxing, amateur mixed martial arts, or professional mixed martial arts. Inspectors and other duly authorized representatives of the commission shall have free access to the dressing rooms of the professional boxers, tough man contestants, and mixed martial arts competitors.

(4) Each boxer, tough man contestant, wrestler, or competitor in mixed martial arts shall be covered by health insurance which will cover injuries sustained during the match, contest, or exhibition of professional boxing, tough man contest, professional wrestling, amateur mixed martial arts, or professional mixed martial arts.

(5) An ambulance and medical personnel with appropriate resuscitation equipment shall be continuously present at the site during any match, contest, or exhibition of professional boxing, tough man contest, professional wrestling, amateur mixed martial arts, or professional mixed martial arts.

CREDIT(S)

(Act 2009-622, p. 1872, § 14; Act 2010-222, p. 392, § 1; Act 2013-285, § 1.)

Section 41-9-1034. Impairment of participant by alcohol or drugs.

It shall be unlawful for any professional boxer, tough man contestant, professional wrestler, amateur mixed martial arts competitor, or professional competitor in mixed martial arts to participate or attempt to participate in a match, contest, or exhibition of professional boxing, tough man contest, professional wrestling, amateur mixed martial arts, or professional mixed martial arts while under the influence of alcohol or any drug. A professional boxer, tough man contestant, professional wrestler, amateur mixed martial arts competitor, or professional mixed martial arts competitor shall be deemed under the influence of alcohol or a drug for the purposes of this section if a physical examination made during a period of time beginning not more than six hours prior to the beginning of the match, contest, or exhibition and ending not more than one hour after the completion of the match, contest, or exhibition reveals that the mental or physical ability of the professional boxer, tough man contestant, professional wrestler, amateur mixed martial arts competitor, or professional mixed martial arts competitor is impaired as a direct result of the use of alcohol or a drug.

CREDIT(S)

(Act 2009-622, p. 1872, § 15; Act 2010-222, p. 392, § 1; Act 2013-285, § 1.)

Section 41-9-1035. Site requirements.

All buildings or structures used or intended to be used for holding or giving matches, contests, or exhibitions of professional boxing, tough man contest, professional wrestling, amateur mixed martial arts, or professional mixed martial arts shall be safe and shall in all manner conform to the laws, ordinances, and regulations pertaining to buildings in the municipality or unincorporated area of the county where the building or structure is situated.

CREDIT(S)

(Act 2009-622, p. 1872, § 16; Act 2010-222, p. 392, § 1; Act 2013-285, § 1.)

Section 41-9-1036. Age requirement.

No person under the age of 18 years shall participate as a contestant in any match, contest, or exhibition of professional boxing, tough man contest, professional wrestling, amateur mixed martial arts, or professional mixed martial arts.

CREDIT(S)

(Act 2009-622, p. 1872, § 17; Act 2010-222, p. 392, § 1; Act 2013-285, § 1.)

Section 41-9-1037. Jurisdiction of commission.

The commission shall have jurisdiction over any match, contest, or exhibition of professional boxing, tough man contests, professional wrestling, amateur mixed martial arts, or professional mixed martial arts which occurs or is held within this state, is filmed in this state, or is broadcast or transmitted from this state.

CREDIT(S)

(Act 2009-622, p. 1872, § 18; Act 2010-222, p. 392, § 1; Act 2013-285, § 1.)

Section 41-9-1038. Violations.

(a) The Attorney General may bring a civil action requesting relief, including a permanent or temporary injunction, restraining order, or other order, against any person who he or she believes is violating Sections 41-9-1029, 41-9-1030, 41-9-1031, 41-9-1032, 41-9-1033, 41-9-1034, 41-9-1035, and 41-9-1037.

(b)(1) Any manager, promoter, matchmaker, or licensee who knowingly violates or coerces or causes any other person to violate Sections 41-9-1030, 41-9-1031, 41-9-1032, 41-9-1033, 41-9-1034, 41-9-1035, 41-9-1036, and 41-9-1037 shall, upon conviction, be guilty of a Class C felony.

(2) Any member or employee of the commission or any person who administers or enforces this article or rules and regulations promulgated pursuant to this article who knowingly violates Sections 41-9-1033 or 41-9-1034 shall, upon conviction, be guilty of a Class C felony.

(3) Any professional boxer, tough man contestant, professional wrestler, amateur mixed martial arts competitor, or professional competitor in mixed martial arts who knowingly violates this article, except Section 41-9-1034, shall, upon conviction, be guilty of a Class B misdemeanor.

(4) Any professional boxer, tough man contestant, professional wrestler, amateur mixed martial arts competitor, or professional competitor in mixed martial arts who violates Section 41-9-1034 may be punished by a civil fine not to exceed twenty-five thousand dollars (\$25,000) together with a percentage of the purse not to exceed 15 percent for each violation.

(c) A person who participates in or promotes unarmed combat shall be guilty of a Class A misdemeanor.

(d) The criminal penalties in this section shall not be construed to repeal other criminal laws.

Whenever conduct prescribed by this article is also prescribed by other provision of law, the provision which carries the more serious penalty shall be applied.

CREDIT(S)

(Act 2009-622, p. 1872, § 19; Act 2010-222, p. 392, § 1; Act 2013-285, § 1.)

Section 41-9-1039. Alabama Athletic Commission Fund.

There is established a separate trust fund in the State Treasury to be known as the Alabama Athletic Commission Fund. All receipts collected by the commission shall be deposited into this fund and used only to carry out the provisions of this article. Monies shall be disbursed only by warrant of the state Comptroller drawn upon the State Treasury supported by itemized vouchers approved by the commission. No funds shall be withdrawn or expended except as budgeted and allotted according to Sections 41-4-80 to 41-4-96, inclusive, and 41-19-1 to 41-19-12, inclusive, and only in amounts as stipulated in the general appropriations act or other appropriation acts.

CREDIT(S)

(Act 2009-622, p. 1872, § 20; Act 2010-222, p. 392, § 1.)

Section 41-9-1040. Sunset provision.

The Alabama Athletic Commission shall be subject to the Alabama Sunset Law in Chapter 20 of Title 41, as an enumerated agency, and shall have a termination date of October 1, 2011, and every four years thereafter, unless continued as provided in the Alabama Sunset Law.

CREDIT(S)

(Act 2009-622, p. 1872, § 22; Act 2010-222, p. 392, § 1.)

Professional Services by Vendor

	2014	2015	2016	2017
Administrative Services				
Mowery Consulting Group	\$ 68,528.36	\$ 66,373.96	\$ 96,719.98	\$ 68,978.17
McCormick Co. LLC	-	-	-	17,498.70
Total Administrative Services	68,528.36	66,373.96	96,719.98	86,476.87
Computer Support				
Department of Finance				
Data Processing	-	-	5,250.00	840.00
FRMS Services	260.00	209.00	239.50	108.50
Comptroller Services	481.37	357.98	386.74	277.12
Interfund Contract (STAARs)	-	-	5,000.00	-
Total Computer Support	741.37	566.98	10,876.24	1,225.62
Advertising				
Legislative Reference Service	700.00	760.00	4,960.00	6,990.00
Total Advertising	700.00	760.00	4,960.00	6,990.00
Consulting				
Bradley Wallace Roberson	-	200.00	-	-
Stanley Dewayne Frierson	350.00	350.00	-	-
Total Consulting	350.00	550.00	-	-
Legal				
Attorney General's Office	-	-	-	2,925.00
Total Legal	-	-	-	2,925.00
Total Professional Services	\$ 70,319.73	\$ 68,250.94	\$ 112,556.22	\$ 97,617.49

Commission Members



ALABAMA ATHLETIC COMMISSION

250 Commerce Street, Suite 9 • Montgomery, AL 36104

Phone: (334) 245-4374

Fax: (866) 715-9714

January 9, 2018

To Whom It May Concern:

Please see below, the names of the current members of the Alabama Athletic Commission and the Executive Director.

H.E. "Sonny" Cauthen, Jr.
Chair
Montgomery, AL
Expiration Date: May 22, 2018

Casey Sears
Co-Chair
Tuscaloosa, AL
Expiration Date: June 23, 2019

Joe E. Evans
Montgomery, AL
Expiration Date: September 25, 2021

Dr. John D. Marshall
Tuscaloosa, AL
Expiration Date: July 18, 2019

Larry H. Bright
Huntsville, AL
Expiration Date: July 17, 2018

Joel Blankenship
Homewood, AL
Expiration Date: August 9, 2021

STAFF:

Joseph B. McCormick
Executive Director
Montgomery, AL

Respectfully,

A handwritten signature in black ink, appearing to read "H.E. Cauthen, Jr.", with a horizontal line extending to the right.

H.E. "Sonny" Cauthen, Jr.

Sincerely,

A handwritten signature in black ink, appearing to read "Jody McCormick", with a long horizontal line extending to the right.

Joseph "Jody" McCormick
Executive Director

Response to Significant Issues



ALABAMA ATHLETIC COMMISSION

250 Commerce Street, Suite 9 • Montgomery, AL 36104

Phone: (334) 245-4374

Fax: (866) 715-9714

April 3, 2018

Maria L. Catledge
Examiners of Public Accounts
P.O. Box 302251
Montgomery, AL 36130-2251

Mrs. Catledge,

In response to your email, received March 26, 2018, the AAC hereby submits this written response:

Significant issue 2018-01 - Joseph B. McCormick was previously employed by Mowery Consulting Group, the Commission's contract administrator, and served as the executive director of the Athletic Commission from May 2015 until June 2017.

Prior to accepting the position of Executive Director of the Alabama Athletic Commission and employment with Mowery Consulting, Mr. McCormick consulted with Mr. Matt Bledsoe, legal counsel for the Commission through the Alabama Attorney General's Office, to verify that his employment would not be a conflict of interest. Mr. Bledsoe consulted with the Alabama Ethics Commission and cleared Mr. McCormick to accept the position.

Significant Issue 2018-02 - Mowery Consulting Group LLC, the Commission's contractor for administrative services, obtained a credit card to purchase office supplies and equipment in the name of the Alabama Athletic Commission without the Commission's approval.

When Mowery Consulting took over the Commission contract, they were advised by a staff member of the Comptroller's Office to gain a credit card, to purchase event supplies in service of the Commission. Following the advice, Mowery Consulting applied for and received a credit card with Office Depot. The card was approved by Office Depot, giving the Commission tax exempt status, since it was a State commission.

When the issue arose that a credit card could not be used by Mowery Consulting, the cards were shredded and the accounts closed. Now that the Emergency Contract is with McCormick Co., LLC., no credit card has been secured in the name of the Commission.

Significant Issue 2018-03 - Mowery Consulting Group LLC, the Commission's contractor for administrative services, made payments from the Commission's funds totaling \$9,444.04 between the period of October 1, 2013 and March 31, 2017 for purchases of office

equipment, office supplies and services that were not authorized under the terms of the Invitation to Bid Response.

The Commission is aware of the Examiner's finding of funds totaling \$9,444.04 being expended between October 2013 and March 2017. Since becoming aware of the issue, no such funds have been expended. Additionally, the Commission has been advised that the matter has been forwarded to the Alabama Attorney General's Office for a final decision. No such decision has been rendered as of this date. When such decision is published, the Commission shall adhere to the ruling and take the necessary actions to rectify the issue.

Additionally, the AAC is in the process of rebidding the Administrative Services Contract. Mr. Bledsoe has been working with the Dept. of Purchasing to resolve our previous contracting issues and the contract will be rebid, via RFP, in the near future. The matter will be resolved in the Commission's next meeting. It is currently on the agenda for the Commissioners to review and approve the terms of the new RFP, then publish the terms for bidding.

Significant Issue 2018-04 - The Commission has not formally promulgated administrative rules to establish procedures for handling compliants against licensees.

The Commission is currently in the process of a Rules Amendment, where this issue shall be resolved. A clear and comprehensive compliant process is outlined in the proposed rules changes and shall be voted on in the Commission's next meeting. Upon completion of the Rules Change Process, the AAC will be fully compliant with this issue.

Significant Issue 2018-05 - The Commission adopted Administrative Rules 165-X-1-.02; 165-X-2-.02; 165-X-3-.02; 165-X-6-.02; 165-X-7-.02 to charge promoters a late fee of \$50 or 20% of the match permit fee.

The Commission is currently in the process of a Rules Amendment, where this issue shall be resolved. It is the intent of the Commission to remove the charging of late fees in the proposed rules changes and shall be voted on in the Commission's next meeting. Upon completion of the Rules Change Process, the AAC will be fully compliant with this issue.

Significant Issue 2018-06 - The Commission has not completed the enrollment process for the Systematic Alien Verification for Entitlements (SAVE) program.

The Commission's administrative staff have applied for enrollment in the SAVE program and have been subsequently denied acceptance. Documentation of this denial was previously submitted to the Examiners of Public Accounts. The administrative staff shall continue trying to enroll in the program, although no such enrollment has been successful to date.

**Denial Email Attached.*

Significant Issue 2018-07 - The Commission has adopted administrative rules which are in conflict with its enabling statutes.

The Commission is currently in the process of a Rules Amendment, where this issue shall be resolved. The Commission is proposing a temporary license program, where applicants are

provided a temporary license prior to competing. This issue shall be voted on in the Commission's next meeting. Upon completion of the Rules Change Process, the AAC will be fully compliant with this issue.

Significant Issue 2018-08 - The Commission approved new policies and procedures regarding the appointment, attire and performance of officials at Alabama Athletic Commission events.

The Commission was notified of this issue in the previous audit conducted by the Examiners of Public Accounts. To resolve this, the Commission will be voting to repeal the "Policies and Procedures" adopted on 5/14/15 and 6/5/15. Additionally, certain portions of the "Policies and Procedures" are being proposed to expand and further clarify existing portions of the Rules and Regulations (Certification of the Scales and Boxing Gloves Required). The Commission is currently in the process of a Rules Amendment, where this issue shall be resolved. This issue shall be voted on in the Commission's next meeting. Upon completion of the Rules Change Process, the AAC will be fully compliant with this issue.


Significant Issue 2018-09 - Commission members are not being appointed according to the Commission's statute.

Being that the Commission does not have the authority to appoint its members, the Commission cannot control those individuals appointed by the authorized appointers. Although the Commission cannot appoint its members, the Commission's administrative staff will work with the appointing authorities moving forward to ensure that no members are serving while residing in the same Congressional District.

This issue arose as a result of the Alabama Legislature approving its most recent redistricting of Congressional Districts. When originally appointed, Commissioners Cauthen and Evans lived in different districts; Cauthen in CD3 and Evans in CD2. Additionally, Commissioners Marshall and Sears lived in different districts; Marshall in CD7 and Sears in CD6. It appears that the Commissioners were simply reappointed without consulting which Congressional District they were moved into following the Redistricting.

The Commissioners in question have been made aware of this issue. Logically, it would make sense for the first person up for reappointment, in districts where dual Commissioners have been appointed, not seek reappointment, in an effort to remedy this issue. Ultimately, the Commission has no authority over this matter and must rely on the appointing persons/bodies to do so in accordance with the law.

Respectfully,


Joseph B. McCormick, II
Executive Director

SAVE Registration Queue

SAVE Program Registration Application Status: Ineligible CRM:0118000004066

October 17, 2017 at 9:47 AM

Joseph McCormick

Dear Joseph McCormick :

The SAVE Program is an inter-governmental initiative designed to aid benefit-granting federal, state, and local government agencies in determining an individual's immigration status. You or your organization do not meet the eligibility requirements as set forth by law.

The SAVE Program.