

REG 1.2 / AT 4 / 1977

C.1

COLORADO STATE PUBLICATIONS LIBRARY



3 1799 00110 6988

# SUNSET REVIEW



## STATE ATHLETIC COMMISSION OF COLORADO

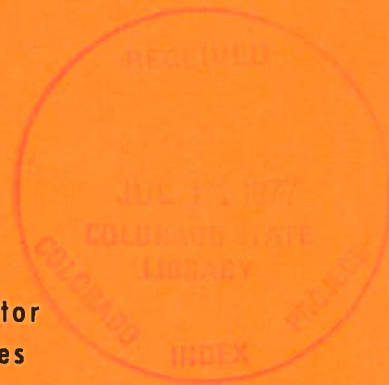


Presented To  
51st GENERAL ASSEMBLY

By

Raúl N. Rodriguez, Executive Director  
Department of Regulatory Agencies

March 1977





# DEPARTMENT OF REGULATORY AGENCIES

STATE OF COLORADO

RICHARD D. LAMM  
GOVERNOR

116 STATE SERVICES BUILDING 1525 SHERMAN STREET  
DENVER, COLORADO 80203 TELEPHONE 303/892-3304

RAÚL N. RODRIGUEZ  
EXECUTIVE DIRECTOR

March 16, 1977

The Honorable Fred E. Anderson  
President of the Senate  
State of Colorado  
State Capitol  
Denver, Colorado

The Honorable Ronald H. Strahle  
Speaker, House of Representatives  
State of Colorado  
State Capitol  
Denver, Colorado

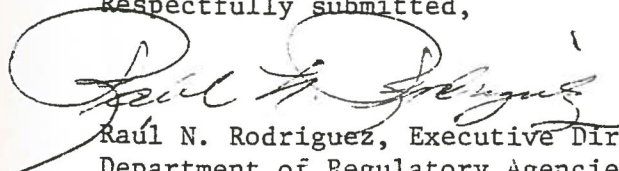
Dear Mr. President and Mr. Speaker:

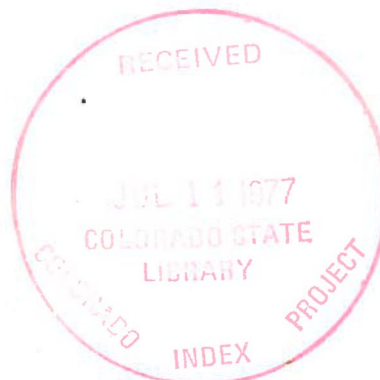
I have completed my evaluation of the State Athletic Commission and am pleased to submit this written report which is intended to supplement my oral testimony before the specific committee of reference. The enclosed report is submitted pursuant to Section 24-34-104, Colorado Revised Statutes, as amended, which states, in part:

"(8) (a) Prior to the termination, continuation, and reestablishment of any such agency, a committee of reference in each house of the general assembly shall hold a public hearing, receiving testimony from the public and the executive director of the department of regulatory agencies. . . ."

This evaluation focuses on the effectiveness and efficiency of the State Athletic Commission in performing its statutorily assigned tasks. The report also discusses the broader issue of the need for regulation in this field. The primary intent of this evaluation is to answer the question, "Is regulation of the sport of boxing and wrestling necessary in order to protect the health, safety, and welfare of the public?" Beyond that, specific proposals are made for achieving more effective regulation.

Respectfully submitted,

  
Raúl N. Rodriguez, Executive Director  
Department of Regulatory Agencies



## PREFACE

This Sunset evaluation report is one of thirteen (13) prepared under a joint University of Colorado-Colorado Department of Regulatory Agencies project during 1976-77. The twin purposes of the project were to help prepare the Executive Director of the Department to testify before the General Assembly regarding the agencies subject to Sunset review and to give graduate students in Public Administration practical program analysis experience.

The project was made possible by a Public Service Education grant, number G007605061, under Title IX of the Higher Education Act of 1965, as amended. This grant, from the Office of Education in the U.S. Department of Health, Education and Welfare to the Regents of the University of Colorado, was administered by the Graduate School of Public Affairs and largely supported the project. Additional resources were provided by the Department of Regulatory Agencies and by the University of Colorado. The findings and recommendations in the reports do not necessarily reflect the views of the HEW or the University.

Thirteen (13) graduate interns from the University of Colorado were supported by the grant to do research and assist in the preparation of these Sunset evaluations under the guidance of Michael S. March, Ph.D., Professor of Public Affairs, whose released time was also financed by the grant. James P. Walsh, Sunset Intern, did the analysis and drafted this report on the State Athletic Commission. Sunset Intern Janet L. Jacobs contributed her editorial talents to the improvement of the quality of the report.

The report addresses the broad question of the need for regulation to protect the health, safety, and welfare of the public-- and the possible impacts on the public from termination of existing regulation. It also analyzes and recommends statutory, organizational, procedural, and public accountability steps necessary to improve the efficiency and effectiveness of regulation if it should be continued in this field.

TABLE OF CONTENTS

Transmittal Letter. . . . . i

Preface . . . . . ii

I. EXECUTIVE SUMMARY . . . . . 1

    Philosophy of This Evaluation . . . . . 1

    Major Conclusion. . . . . 2

    Public Purpose and Analysis of  
        Need for Regulation . . . . . 2

    Effectiveness of Commission Service . . . . . 3

    Principal Findings. . . . . 4

        Statutory Problems. . . . . 4

        Organization and Administration . . . . . 5

        Public Accountability . . . . . 7

        Economic Impact . . . . . 8

II. HISTORICAL PERSPECTIVE ON THE ATHLETIC COMMISSION . . . 11

    Factors Leading to Creation of the Commission . . . . 11

        Initial Needs . . . . . 11

        Market Failure. . . . . 11

        Political Forces. . . . . 11

    Development and Growth of the Commission. . . . . 11

    Previous Studies. . . . . 12

    Statutory Review. . . . . 13

    General Review of Rules and Regulations . . . . . 15

        Internal Operations . . . . . 15

        Industry/Licensee Relations . . . . . 15

Commission Goals . . . . .	.16
Criteria for Regulation . . . . .	.16
Qualification Standards . . . . .	.16
Standards for Disciplinary Action . . . . .	.17
Inspection Standards. . . . .	.17
Adequacy of Standards . . . . .	.17
III. ORGANIZATIONAL AND ADMINISTRATIVE ANALYSIS. . . . .	.18
Organization. . . . .	.18
Findings and Recommendations. . . . .	.18
Major Functions and Procedures. . . . .	.20
Findings and Recommendations. . . . .	.20
Issuance and Revocation of License. . . . .	.20
Approval of Contracts . . . . .	.21
Approval of Matches and Contracts . . . . .	.22
Collection of Bonds . . . . .	.22
Formulation of Rules. . . . .	.23
Inspections . . . . .	.25
Reports . . . . .	.25
Establishment of Fees . . . . .	.26
Collection of Gate Tax. . . . .	.26
IV. ATHLETIC COMMISSION DATA ANALYSIS . . . . .	.27
V. ANALYSIS IN RELATION TO SUNSET CRITERIA . . . . .	.29
1. <u>To what extent has the Commission permitted</u> <u>qualified applicants to serve the public?</u> . . . . .	.29
2. <u>To what extent have affirmative action</u> <u>requirements of State and Federal statutes</u> <u>and constitutions been complied with by the</u> <u>Commission and the boxing and wrestling</u> <u>industries?</u> . . . . .	.29

Commission Compliance . . . . .	30
Industry Compliance . . . . .	30
3. <u>To what extent has the Commission operated in the public interest, and to what extent have its operations been impeded or enhanced by existing statutes, procedures, and practices of the Department of Regulatory Agencies, and any other circumstances including budgetary, resource, and personnel matters?</u> . . . . .	30
Public Interest . . . . .	30
Statutory Impediments to Public Interest. . . . .	31
Proposed Statutory Enhancements in the Public Interest. . . . .	32
Procedural Impediments to Public Interest . . . . .	33
Budgetary Problems. . . . .	34
Relationships with DORA . . . . .	34
4. <u>To what extent has the Commission recommended statutory changes to the General Assembly which would benefit the public as opposed to the persons it regulates?</u> . . . . .	36
5. <u>To what extent has the Commission required the persons it regulates to report to it concerning the impact of rules and decisions of the agency on the public regarding improved service, economy of service, and availability of service?</u> . . . . .	35
6. <u>To what extent have persons regulated by the agency been required to assess problems in their industry which affect the general public?</u> . . . . .	36
7. <u>To what extent has the Commission encouraged participation by the public in making its rules and decisions as opposed to participation solely by the persons it regulates?</u> . . . . .	36
8. <u>With what efficiency have formal public complaints filed with the Commission or with the Executive Director of the Department of Regulatory Agencies concerning persons subject to regulation been processed to completion by the division, board, or agency, by the Executive Director of the of the Department of Regulatory Agencies, by the Department of Law, or by any other applicable department of State government?</u> . . . . .	37

9. <u>To what extent are changes necessary in the enabling laws of the Commission to adequately comply with the factors listed in this paragraph (Sunset criteria 1-8 above)?</u> . . .	38
Commission Created-Members-Meetings . . . . .	38
Deputy Commissioners - License as Participants . . . . .	39
License Required-Application. . . . .	39
License as Participants . . . . .	39
License and Contests May be Limited . . . . .	40
Tickets - Tax . . . . .	40
Amateur Boxing. . . . .	40
Age of Participants . . . . .	41
Wrestling . . . . .	41
Sundays Excluded. . . . .	42
Other Statutory Recommendations . . . . .	42
VI. PUBLIC ACCOUNTABILITY AND RESPONSIBILITY. . . . .	43
Commission Organization . . . . .	43
Commission Procedures . . . . .	43
Commission Meetings . . . . .	43
Annual Reports. . . . .	44
Minorities. . . . .	44
Location and Time of Meetings . . . . .	44
Internal Communications . . . . .	45
Commission Records. . . . .	45
Operating Forms . . . . .	46
Complaints and Investigations . . . . .	46
Response to State Audit Reports . . . . .	46
Conflicts of Interest . . . . .	47

	General Administrative Accountability of the Commission. . . . .	.47
VII.	ECONOMIC IMPACT . . . . .	.48
	Fees for Officials. . . . .	.49
	Financial Stability . . . . .	.49
	Percentage and Purse Guarantees . . . . .	.50
	Exclusionary Practices. . . . .	.51
	Market Competition. . . . .	.51
	Market Structures . . . . .	.51
	Residency Requirements . . . . .	.52
VIII.	ANALYSIS OF ALTERNATIVES FOR ATHLETIC REGULATION IN COLORADO. . . . .	.52
	Alternative I. Remove All Regulation . . . . .	.52
	Alternative II. Athletic Jurisdiction. . . . .	.53
	Alternative III. Reorganization of Athletic Regulation. . . . .	.53
	Arguments favoring reorganization . . . . .	.54
	Arguments opposing reorganization . . . . .	.54
	Alternative IV. Retain the State Athletic Commission of Colorado. . . . .	.55
	Arguments favoring reestablishment. . . . .	.55

RECOMMENDATIONS

(See Page Reference for Full Text)

<u>Recommendation Number</u>	<u>Subject</u>	
1	Principal Recommendation . . . . .	8
2	Limit Number of Consecutive Terms. . . . .	.18
3	Review Status of Present Executive Director . . . . .	.19
4	Establish Office Hours . . . . .	.19



<u>Recommendation Number</u>	<u>Subject</u>	
5	Establish Standards and Qualifications for Deputy Commissioners . . . . .	.19
6	Expand Role of Clerical Personnel. . . . .	.20
7	Have Correspondence Processed by Department Staff . . . . .	.21
8	Develop Standards for Officials. . . . .	.21
9	Develop Public Notification Procedures . . . . .	.21
10	Eliminate Minimum Percentage Requirements in Contracts . . . . .	.22
11	Athletic Bouts Sanctioned by Appropriate Organizations; Make Mismatches Grounds for License Suspension or Revocation; Continue Contract Review . . . . .	.22
12	Standardize Bonding Requirements . . . . .	.23
13	Establish Rules and Regulations for Pre-amateur Boxing and Wrestling and Amateur Wrestling . . . . .	.23
14	License Professional Wrestlers as Performers . . . . .	.24
15	Restrict Deceptive Advertising . . . . .	.24
16	Develop Formal Inspection Procedures; Institute Fines or Penalties . . . . .	.25
17	Develop Inspection Manual. . . . .	.25
18	Physicians' and Officials' Fees; No Fees for Amateur Events. . . . .	.26
19	Gate Tax to be Collected by Department of Revenue . . . . .	.26
20	Scheduled Board Meetings Outside Denver Area. . . . .	.34
21	Expand Commission to Five Members; Limit Terms; Clarify Location of Meetings . . . . .	38
22	Establish Payment Rates for Deputy Commissioner . . . . .	39

<u>Recommendation Number</u>	<u>Subject</u>	
23	Limit Commission Discretion. . . . .	39
24	Standardize Promoter Requirements. . . . .	39
25	Criteria for License Suspension . . . . .	39
26	Eliminate Restrictions on Numbers of Licenses . . . . .	40
27	Gate Receipts to be Collected by the Department of Revenue. . . . .	40
28	Commission to Regulate Amateur Boxing. . . .	40
29	Regulate Pre-amateur Nonschool Events. . . .	41
30	Expand Regulation to Include All Martial Arts; Establish Standards for Advertising Exhibitions; Set Standards for Television Wrestling Exhibitions; Differentiate Between Amateur and Professional Wrestling. . . . .	41
31	Eliminate Restriction on Sunday Sporting Events. . . . .	42
32	Redefine Legislative Intent . . . . .	42
33	Revise Commission Organization . . . . .	43
34	Commission to Follow Sunshine Law; Create a Departmental Public Information Office . . . . .	44
35	Commission to Prepare Adequate Annual Reports . . . . .	44
36	Assure Minority Representation Among Officials. . . . .	44
37	Meetings Regularly Scheduled; Meetings Outside Denver; Evening Meetings . . . . .	45
38	Implement Proper Administrative Procedures . . . . .	45
39	Revise Recordkeeping System. . . . .	45

<u>Recommendation Number</u>	<u>Subject</u>	
40	Review and Revise Application Forms and Contracts. . . . .	.46
41	Department Staff to Handle Complaints. . .	.46
42	Conduct an Internal Audit in One Year. . .	.47
43	Institute Conflict of Interest Standards and Procedures . . . . .	.47
44	Athletic Commission to be Answerable to the Executive Director. . . . .	.47
45	Fees Set by Commission for Professional Contest; Maximum Fees for Amateur Officials Established. . . . .	.49
46	Require Professional Promoters to Post Adequate Bonds; Special Provisions for Amateur Bout Promoters . . . . .	.50
47	Establish Standards and Guidelines for Exceptions in Percentage and Purse Guarantees . . . . .	.51
48	Remove Limitations on Number of Licenses Issued . . . . .	.51
49	Eliminate Limitation on Promotional Licenses for Professional Wrestling. . .	.52
50	Eliminate Present Residency Requirements .	.52

APPENDICES

Appendix A - Criteria Used in Evaluating the Athletic Commission . . . . .	.57
Appendix B - State Athletic Commission of Colorado Statute. . . . .	.61
Appendix C - Synopsis of New Rules and Regulations of the State Athletic Commission of Colorado. . . .	.73
Appendix D - Departmental Auditor's Comments on the Athletic Commission's Recordkeeping Procedures, Executive Director's Memorandum, Commission Response . . . . .	74

Appendix E - Letter from Executive Director  
of DORA to Chairman of the Colorado Athletic  
Commission Regarding Implementation of  
Recommendations . . . . . 77

Appendix F - Letter from Chairman of the  
Colorado Athletic Commission to the  
Executive Director of DORA. Response to  
Internal Auditor's Report . . . . . 80

Bibliography. . . . . 81

TABLES

Table 1 - Statistical Data Relating to the  
Operations of the State Athletic Commission  
of Colorado . . . . . 28

EVALUATION OF THE STATE ATHLETIC COMMISSION

DEPARTMENT OF REGULATORY AGENCIES

I. EXECUTIVE SUMMARY

Philosophy of This Evaluation

The premise underlying this evaluation is that the initiation or continuation of regulation for an occupation or an industry must be justified by a showing of real public need or alternatively by the threat of real harm to the general public's health, safety, and consumer welfare. If the public need for regulation of a profession or an industry cannot be clearly established, then it is unreasonable to exercise the state's police powers to regulate it. Conversely, the use of the state's police powers to "regulate" an occupational group or industry primarily for the benefit of that special group or industry is not, in this view, sufficient warrant for regulation.

Where there is not clearcut evidence on one side or the other, or where the public stake is small, the presumption lies on the side of avoiding or discontinuing regulation and letting the market operate more freely. This view stems from the increasing public recognition that the growth of regulation has unnecessarily complicated our society and in many cases has benefited the special interest a great deal more than it has helped the public.

Where the nature of the industry or occupation is determined to be such as to require regulation for the public good, it is necessary to inquire further whether the existing or proposed mode of regulation is efficient and effective. Are the statutory powers, the objectives, the organization, the procedures, the accountability mechanisms, and

the economic and social impacts of the regulation such that the general public actually, significantly benefits? Or does the regulatory system fail in its mission or perhaps in itself operate to impede competition or create an artificial monopoly?

#### Major Conclusion

The central conclusion of this evaluation of the State Athletic Commission of Colorado is that this Commission, as presently structured, does not adequately fulfill the public need for regulation of boxing and wrestling in the State. The structure and operation of the Commission should be substantially changed if it is to address the public needs for health, safety, and consumer protection in these two activities.

A brief summary of the findings and recommendations of this report are presented below.

#### Public Purpose and Analysis of Need for Regulation

The nature and history of one-on-one contact sports suggest a very real danger of severe injury to contestants, as well as the opportunity for collusion, fraud, and other activities that can affect the outcome of events. In order to safeguard against such behavior, Colorado, in 1927, established the State Boxing Commission. Present law (C.R.S. 1973 Sec. 12-10-104) grants the Colorado State Athletic Commission "... the sole jurisdiction, direction, management, and control over all professional and amateur boxing, sparring, and wrestling contests, matches, and exhibitions conducted, held or given within the State of Colorado." (Except over school-sanctioned activities.)

There exist today the same market forces and physical dangers

that prompted the original formulation of the State Boxing Commission. The prime functions of the Commission are to protect the health and safety of participants and to ensure consumers of the validity and fairness of the competition and outcome.

If regulation of boxing and wrestling in the State were ended, the most immediate potential harm would be to the contestants. Equipment, health, and standards of conduct presently in force help protect contestants from severe physical injury. Discontinuing regulation would also have an adverse effect on the public. Current regulations seek to ensure promotional legitimacy in the scheduling and presentation of events and to provide assurance to the public that the outcome of events is a fair reflection of the competition witnessed. Although there are problems with present regulation in this area, this purpose of regulation is a valid one. In addition, there exists some physical danger to spectators in the absence of regulation, as competition in boxing and wrestling is keen and highly emotional. Regulations currently assure consumers physical protection by requiring crowd control measures and that security personnel be present at all events.

#### Effectiveness of Commission Service

The orientation of the Commission is toward the protection of the integrity of the boxing and wrestling industry. The standards required of licensees are reasonably thorough and stringent, both in terms of health and safety and for the conduct of matches.

By inference, industry conformity to Commission standards ensures the consumer of the legitimacy and quality of the event. Direct consumer protection is assured by Commission regulations that require promoters to post surety bonds against ticket sales prior to events.

Commission bond requirements also serve industry interests. Contestants' purses and fees, managers' fees, and officials' fees require promotional bonding. Additionally, a State bond of \$500 is statutorily required of all promoters against the faithful performance of the terms of their licenses and against state taxes.

Although standards exist for the conduct of licensees, the Commission has been lax in enforcing them and in adopting formal standards for the licensing of individuals within the industry. Following the filing of a lawsuit in 1976 alleging discrimination, formal qualification standards are presently being developed.

#### Principal Findings

##### A. Statutory Problems

Finding 1. Certain statutory provisions have acted to impede the public interest. Foremost among these is the lack of a clearly stated public purpose within the enabling laws for this regulatory body. By inference, the purposes appear to be protection of contestants, promotion of the industry, and safeguarding consumer interests.

Finding 2. Wide discretionary powers have been granted the Commission, along with the authority to limit the number of licenses issued. However, the Commission has never developed formal guidelines for the proper use of these powers, invoking them arbitrarily.

Finding 3. Present statutes limit Commission jurisdiction to participants age 16 and older, and do not address pre-amateur contests involving children (under 16 years of age) in the State. The Colorado Athletic Commission presently has authority to regulate only boxing and wrestling and does not address one-on-one



martial sports such as karate and judo. (See discussion under "Sunset Criteria" in Section V.)

B. Organization and Administration

The Rules and Regulations of the Colorado State Athletic Commission were adopted first in 1949 and were last revised in 1963.

Pursuant to a lawsuit filed against the Commission, a thorough review and revision of the rules is currently underway.

Finding 1. Most notably lacking in the Rules and Regulations are provisions relating to amateur wrestlers and the amateur wrestling industry. Although all wrestling contests are under the jurisdiction of the Commission, only professional wrestling has been addressed by the Commission.

Finding 2. Standards and criteria for the licensing of officials have not been developed. This situation, coupled with the discretionary and the licensing limitation powers of the Commission, has acted to severely restrict entry to these ranks.

Finding 3. Administratively, the Commission sorely lacks guidance and expertise. The present Executive Secretary does not carry out effectively the affairs of his office, primarily because of a hearing impediment and because his current contract does not require that he maintain a regular schedule of availability at the Department. Statutory requirements that this position be filled through the State Department of Personnel have been ignored. Until recently, Commissioners themselves have undertaken a substantial administrative and clerical role, to the complete exclusion of departmental personnel available for these tasks. Commission correspondence has been forwarded to the chairman, and no

record of such correspondence is reflected in Commission files. It is only since December that the Regulatory Agencies' secretary assigned to this Commission has been given the authority to open and process Commission correspondence.

Finding 4. Records and reports required either by statute or by Commission rules and regulations are, in many cases, nonexistent. Reports on file are often incomplete and prepared on forms that seem inadequate for the thorough and efficient collection of data requested. The current application forms were reviewed by a representative of the Colorado Civil Rights Commission and were found to request inappropriate and unnecessary information from applicants.

Finding 5. C.R.S. 1973, 12-10-106 (1) and 12-10-107 (1), provides that "any individual (club, association, organization, or corporation) may make application to the Commission for a license...." The Commission has refused application forms to inquiring parties, constituting de facto refusal of licensure.

Finding 6. Records in Commission files are not kept current nor do they reflect the collection of data normally expected of a State body. Minutes of meetings are sparse and do not reflect all Commission actions; past and present records are mixed; no listings are available of current licensees; yearly summations of activity are not maintained; and accounting records do not reflect license numbers issued or the status of the license (new or a renewal).

Finding 7. Communication procedures between Commission members are not well established or maintained. Until recently, all

application and information requests were forwarded to the Chairman, and further action was dependent upon his discretion. Other Commissioners were excluded from this material, and often had no knowledge of important information held by the Chairman.

C. Public Accountability

Finding 1. A lack of term limitations for Commissioners has created a situation where Commissioners have held their positions for over 20 and 30 years, limiting the perspective and direction of Commission activity.

Finding 2. All three Commissioners have backgrounds in the boxing and wrestling industries, and there is no general public or minority representation on the Commission.

Finding 3. Prior to March 9, 1976, Commission meetings were unpublicized and held outside the public realm, in a restaurant owned by the Chairman. Lacking formal meetings, Commission decisions were often made via telephone discussion, between two of the three Commissioners, as two members statutorily constitute a quorum. Commission records do not reflect the decisions made or actions taken as the result of phone conversations.

Finding 4. Annual reports as required by statute (C.R.S. 1973, 12-10-105) have not been formulated.

Finding 5. There exists only one minority individual out of seven licensed, who are appointed by the Commission to act as an official at boxing or wrestling contests. About 80% of all boxing contestants are minorities.

Finding 6. Investigation standards and procedures have not been developed by the Commission, and complaints are not properly investigated.

Finding 7. Standards and procedures for conflict of interest situations have never been developed by the Commission.

D. Economic Impact

Finding 1. There are no distinctions in Commission fees between amateur and professional events. This situation has created an economic hardship for amateur sponsors who must pay professional fees for amateur officials and must meet professional promotor bond requirements for amateur shows.

Finding 2. An apparent duopoly exists in the promotion of professional wrestling, limiting the number of shows and prohibiting professional wrestlers who do not belong to one of the two organizations from performing in the State.

Principal Recommendation 1. It is recommended that the State Athletic Commission of Colorado, as presently structured, be abolished immediately through a specific act of the legislature, and that an Office of Athletics be established under the control of the Executive Director of the Department of Regulatory Agencies. The establishment of this office should supersede the provisions of the Sunset Act, as the affairs of the Commission can be assumed immediately and should not require a one-year period in which to conclude Commission business. The function of the office would be to license and oversee boxing, wrestling, and martial arts within the State. An Executive Secretary, as well as support staff, should be employed by the Executive Director for the administration of these duties. It is further recommended that the Governor appoint an advisory/oversight body composed of five members

whose function it will be to advise the Executive Director or his designee in matters pertaining to boxing, wrestling, and martial arts in the State of Colorado. These members should receive per diem pay for their services as well as travel expenses as applicable. The composition of this panel should include one member chosen from the professional ranks; one member from the amateur ranks; and three members of the general public, one of whom is a physician with expertise in sport-related injuries. The individuals on the Advisory Panel should be limited to a maximum of two consecutive four-year terms.

The Executive Secretary's authority and responsibilities should include all functions presently performed by the Commission, and he should more vigorously pursue the promotion of the sports within the State. (See Recommendations in subsequent sections.) In addition, the Executive Secretary, or his designee, should inform the Advisory Panel of all licenses issued and actions taken pursuant to his duties and make all records available to panel members. // Also, the panel should be consulted on all unusual applications, and those matters which are not covered in the rules and regulations or require a departure from the rules and regulations. Further, the panel should be consulted prior to the approval of all championship bouts. The panel should meet quarterly, or more often if necessary, as discussed above. Should a dispute arise between the Advisory Panel and the Executive Secretary, the Executive Director of the Department should be consulted and his decision binding.

Complaints received against licensees should be investigated by Departmental staff assigned to such duties, and actions taken against licensees pursuant to an investigation should be undertaken in the presence of a hearing officer appointed by the Department of Administration. Should investigation indicate criminal behavior on the part of licensees, the case should be forwarded to the office of the Attorney General for prosecution.

Immediately upon appointment, it is recommended that the Advisory Panel recommend qualifications for the licensing of officials; establish rules for licensing officials, for conducting amateur wrestling contests, and for the martial arts; and adopt new medical fitness standards for athletes.

Once the Panel has been established to regulate one-on-one contact sports, it is recommended that the Athletic office investigate the inclusion of other nonschool sport activities which involve minors. The goal of this regulation would be to establish equipment, safety, and training standards for all sports. The development of these standards should be carefully and slowly undertaken with maximum public input over a six year time span.

Tax fees collected by the office should be used in part to offset administrative costs, with the remainder used to promote amateur athletics in the State.

Should the General Assembly find cause for the reestablishment of this Commission in its present form, specific recommendations for change are included in subsequent sections of this report.

## II. HISTORICAL PERSPECTIVE ON THE ATHLETIC COMMISSION

### Factors Leading to Creation of the Commission

1. Initial Needs. By 1927 boxing in Colorado had gained a reputation of racketeering, violence, fixing of bouts, and other forms of fraudulent activity. Despite the presence of these forces, the sport was publicly accepted and fan interest was high. In an effort to both satisfy public demand and to prevent illicit activity, the Colorado Legislature established the Colorado State Boxing Commission to license and oversee boxing in the State.

2. Market Failure. The boxing industry at the time had been unable to prevent practices such as bribing of officials, unfair competition, violence and threats to participants, mismatching, and widespread gambling. For the sport to continue in the State, total State regulation of all aspects of the industry was deemed necessary.

3. Political Forces. Support for such regulation was provided by industry professionals, contestants, and fans. Moralists of the time, however, waged a long and bitter campaign against the sport, claiming it was brutal and violent.

### Development and Growth of the Commission

No structural changes have been made in the Commission since its inception. The three Commission members are appointed by the Governor for staggered six-year terms, and two of the three must be honorably discharged from the United States Armed Forces.

The Commission's staff consists only of an Executive Secretary. This provision dates from the Commission's initial establishment in

1927. Part-time clerical assistance has recently been provided by the Department of Regulatory Agencies, accounting for approximately .05 FTE.

The Commission's budget has fluctuated only minimally over its history and is now actually lower than the initial appropriation in 1927. Historically, the 1927 salary for an executive salary was \$2400 per year, compared to a current salary of \$2500 per year. Appropriations for the Commission were \$7500 in 1927 compared to \$4580 in fiscal year 1975-76.

Fees and charges are statutorily set with the exception of event fees for officials which are set by the Commission. License and tax fees collected by the Commission presently contribute approximately \$33,000 per year to the State's General Fund. Gate tax receipts account for all but approximately \$500 of the Commission's income yearly. The \$500 reflects license and other fees collected. The contribution to the Treasury should be further discounted because of indirect DORA and general State overhead costs not directly reflected in the Commission's budget.

#### Previous Studies

Very few studies have been conducted into the operation of the Colorado State Athletic Commission during its 50-year history. Pursuant to a lawsuit filed in District Court in 1947, the Commission formulated rules and established a procedure for holding hearings on complaints filed with the Commission.<sup>1</sup>

Dictatorial practices were charged against the Commission in 1959 by a sports promoter, resulting in action by Governor McNichols

---

<sup>1</sup>Denver Post, December 31, 1947, p. 8.



to oblige the Commission to follow its rules and regulations and the enabling laws.<sup>1</sup>

State audits were conducted in 1967 and 1971. A departmental audit was conducted in 1975. (See audit discussion in Section VI.) Currently, the Commission rules and regulations are being revised pursuant to a lawsuit filed in June, 1976, charging discrimination.

#### Statutory Review

The earliest public interest in pugilistic arts in Colorado can be traced to the Territorial Laws of Colorado and the passage of "An Act To Prevent Prize Fights" on January 29, 1872. (Mill's Statutes 1873, p. 168.) Participants and principals could be given jail terms of ten days to one year or a \$1000 fine or both upon conviction. Spectators could be required to post a \$1000 personal recognizance bond for one year upon conviction. Amendments in 1883 increased the participant's and principal's sentences from two to ten years; and prohibited residents from participating, training, attempting to leave, or aiding, assisting, or abetting in a prize fight to be held outside the territorial boundaries of Colorado.

After the achievement of statehood, the Territorial Act was adopted in full (GL 1877, p 202) and stood until April 6, 1899, with the passage of the Cannon Bill (Session Laws of Co. 1889, ch 123, para 1, p 309), which prohibited prize fighting unless the activity was conducted by a locally licensed club or association in a building leased at least one year for the purpose of boxing. The bill required that gloves weighing at least five ounces be used and

---

<sup>1</sup> Denver Post, March 8, 1959, p. 26.

set a licensing fee of \$1000. The law was attacked by churches and organizations on moral grounds, and local politicians were accused of partiality in issuing licenses. On September 11, 1899, the Cannon Law was ruled unconstitutional.

Although prize fighting was still technically illegal in Colorado pursuant to the never repealed 1872 law, the sport became accepted by the populace. From 1899 to 1927, Colorado had a colorful and entertaining boxing history, producing two world champions: Young Corbett, Featherweight Champion, 1901-1902; and Jack Dempsey, Heavyweight Champion, 1919-1926.

The State Legislature on March 3, 1927 acted to protect the public interest and the safety of the participants by establishing the State Boxing Commission. (L27, ch 70, para 1.) The Commission was given sole jurisdiction over all matches, and the law required licensing of all principal participants in boxing (clubs, organizations, corporations, associations, physicians, referees, timekeepers, professional boxers, managers, trainers, and seconds). Fines, fees, salaries, and duties were established along with some general guidelines requiring qualification standards and rules. The Commission was vested with the authority of a district court in conducting investigations and rendering decisions. Interpretation of the statute was largely left to the discretion of the Commission.

Two amendments were passed in 1933, one of which placed wrestlers and the wrestling industry in the State under the jurisdiction of the Commission. (C.R.S. 1933, ch 196, p 905.) The other amendment was primarily intended to clarify statutory language. (C.R.S. 1933, ch 46, p 277.) In 1947 the statute was updated, and the Commission was renamed the State Athletic Commission of Colorado.

(C.R.S. 1947, p 303, para 1.) In 1973 the Commission's authority was expanded to include the taxation of wrestling and boxing matches presented on closed circuit television in the state.

(1 73, para 1, p 1356.)

#### General Review of Rules and Regulations

The present rules and regulations were adopted in 1963 after first being formulated in 1947. Amendments made since 1963 were not legally published, but Commission minutes reflect some changes. The Commission is currently engaged in reviewing some aspects of their rules and regulations.

1. Internal Operations. Statutory requirements for the development of standards and operating procedures have not been met. The Commission has not developed rules, criteria, or standards for decision-making nor by-laws governing Commission procedures. Wide use of statutory discretion exists on an ad hoc basis in the formulation of Commission decisions.

2. Industry/Licensee Relations. Extensive and specific rules, standards, and penalties exist concerning the conduct and requirements of licensees, although the enforcement of these regulations has been extremely lax in some cases. Relationships with industry promoters are well maintained, but relationships with the general public are nonexistent. Commission contact with licensees is infrequent and informal, as renewals are handled administratively. Until recently, when the Executive Director of DORA intervened, Commission meetings were unpublicized and held in a private establishment. (See Appendix E for letter from Executive Director to the Commissioners outlining proper meeting procedures.)

## Commission Goals

Commissioners have indicated in recent discussions that their future plans for the Commission include completing the revision of the Commission's rules and regulations and the inclusion of juvenile or pre-amateur (under age 16) boxing and wrestling participants within Commission jurisdiction.

The Commission's goals have remained basically the same since its inception, that is, the protection of participants and consumers from fraud and danger.

## Criteria for Regulation

### A. Qualification Standards

Clubs, Promoters, Matchmakers: The licensee must be a resident for one year and provide references, a financial statement, and any additional information requested by the Commission. There are no formally developed qualification standards. The issuance of a license is discretionary.

Referee: A referee must be familiar with rules and have an annual and pre-bout physical. (New standards for referees were adopted on February 3, 1977 and are summarized in Appendix C.)

Physician: A physician must be in medical practice at least three years to be licensed.

Timekeeper: No formal standards are presently developed.

Announcer: No formal standards are presently developed.

Deputy Commission: No formal standards are presently developed.

Judges: No formal standards are presently developed.

Contestants: All contestants must indicate their weight class, have a pre-bout physical examination, and provide a record of their matches. Professional wrestlers must be between 18 and 55 years old. Professional boxers must be under 35 years old and have an EEG test at least yearly and after a knockout. Amateur boxers must be age 16 and over. Amateur wrestlers are not addressed.

Managers: No formal standards are presently developed.

B. Standards for Disciplinary Action

Conduct violations which can lead to disciplinary action include:

verbally or physically abusing a referee;

violation of the Law or Rules;

moral turpitude;

unbecoming conduct deemed by the Commission to reflect

discredit to boxing or wrestling; or

participation in sham or collusive match.

C. Inspection Standards

All necessary personnel, equipment and rules are specified and must be verified by the Deputy Commissioner before a bout can take place. Inspection procedures are not stated, nor are all required reports contained in Commission files.

D. Adequacy of Standards

Public safety concerns are well met. However, licensees are subject to arbitrary Commission decisions. Despite recent revisions, licensing standards still are largely unwritten and inadequate. Standards for physical examinations are incomplete. No review procedures exist to determine the adequacy or impact of Commission actions.

### III. ORGANIZATIONAL AND ADMINISTRATIVE ANALYSIS

(Note: Public purpose is analyzed in Section I)

#### Organization

The present three-member board is composed of individuals with extensive backgrounds in the boxing and wrestling industry. Appointment to the Commission is made by the Governor, and Commissioners serve staggered six-year terms. Two members of the Commission are required by law to be honorably discharged from the Armed Forces of the United States. Commissioners receive travel expenses for their duties as well as per diem allowance, but receive no other compensation.

The Commission appoints an Executive Secretary whose duties include record keeping, license issuance, and general administration. In addition, Deputy Commissioners are appointed by the Commission to conduct inspections and oversee all events for the Commission. Clerical assistance is provided by DORA. The current departmental allocation of clerical help is approximately .05 FTE.

#### Findings and Recommendations

Finding 1. Two of the three present Commissioners have served on the Commission for over 25 years.

Recommendation 2: Establish term limitations to enhance public representation. Two 4-year terms are suggested as an appropriate limitation.

Finding 2. Contrary to statutory requirements, the Executive Secretary is appointed and contracted outside the guidelines of the State Personnel System.

Recommendation 3: Investigate current contractual obligations as well as the possibility that the present Executive Secretary is entitled to retirement benefits from the State. If the Executive Secretary is so entitled, retirement should commence immediately and the position should be filled according to State rules. If retirement benefits are not due the Executive Secretary, the terms of the contract should be fulfilled, with a replacement properly sought effective July 1, 1977.

Finding 3: Current contractual terms do not require the Executive Secretary to maintain regular office hours at the Department.

Recommendation 4: Establish regularly maintained office hours at the Department of Regulatory Agencies to enhance administrative efficiency and promote public accessibility.

Finding 4: Qualifications for deputy commissioners are nowhere specified.

Recommendation 5: Establish standards and qualifications for deputy commissioners with a focus on necessary industry experience.

Finding 5: Clerical assistance, as provided by DORA, is underutilized. Commissioners receive all correspondence and perform most clerical functions. Clerical assistance has been limited to depositing tax monies and related accounting functions.

Recommendation 6: Allow clerical personnel a greater role in conducting Commission tasks, including processing and filing Commission correspondence and the assumption of administrative duties presently performed by commissioners.

Major Functions and Procedures

As the Commission is given sole jurisdiction over all aspects of boxing and wrestling, the functions it performs are many and varied. These services include:

1. Issuance and revocation of licenses to participants, managers, trainers, seconds, promoters, clubs, and officials;
2. Approval of contracts between boxers and wrestlers and their managers;
3. Approval of all matches and contracts related thereto;
4. Collection of required bonds from promoters;
5. Formulation of rules for the conduct of each activity within their jurisdiction;
6. Inspection and oversight of every event to insure adherence to rules and regulations;
7. Reception of written reports from deputy commissioner, physicians, and referees;
8. Establishment of fees for officials;
9. Collection of a 5% state tax on gross gate receipts.

Findings and Recommendations.

A. Issuance and Revocation of License

Finding 1: C.R.S. 1973 para 12-10-106 (1) and 12-10-107 (1) provides that " any individual (club, association, organization,



or corporation) may make application to the Commission for a license . . . . " Application forms have been refused inquiring parties, constituting de facto refusal of licensure.

Recommendation 7: Commission correspondence should be processed by the administrative help available through the department, and applications immediately sent to inquiring parties.

Finding 2: Standards, guidelines, and criteria for the licensing of officials have never been developed, allowing the Commission to exercise arbitrary judgment in the issuance of these licenses.

Recommendation 8: Standards for officials should be immediately developed and included in the rules and regulations.

Finding 3: No licenses have been formally suspended or revoked in the past six years. There are no procedures for public notification of actions taken against licensees, although commissions in other states, and boxing and wrestling organizations nationally and internationally, would be notified if such action were taken.

Recommendation 9: Public notification procedures should be developed to inform the citizenry of the actions taken by the Commission against licensees.

B. Approval of Contracts

Finding 1: Commission rules and regulations specify that all contracts between boxers and wrestlers and their managers be reviewed and approved by the Commission, and insure at least

66% of the purse to the boxer or wrestler. The specification of percentage ceilings on contracts between a participant and a manager constitutes an unwarranted intrusion into the economics of the market.

Recommendation 10: The approval of contracts serves the purpose of insuring that the relationship between a participant and his manager are both clearly understood and wholly legal. Provisions specifying minimum percentages, however, should be eliminated.

C. Approval of Matches and Contracts

Finding 1: This procedure is intended to insure against mismatches and thus to protect the health of participants. There is no record of the Commission having recently enforced this provision, as the industry has adopted standings and weight classes of its own.

Recommendation 11: All events, pre-amateur, amateur, and professional should be sanctioned by an appropriate organization and matches should conform to standing and weight classes as adopted by these organizations and approved by the Commission. As matchmakers (or managers) are licensed, the promotion of a mismatch should constitute grounds for license suspension or revocation. Contract review and approval should be continued.

D. Collection of Bonds

Finding 1: A \$500 bond is statutorily required of promoters against future taxes and the faithful adherence to the terms of

licensure. The Commission requires that the finances of a promoter be adequately bonded to cover all costs of a promotion. Although this bond is presently required, Commission rules and regulations do not reflect this provision or specify what constitutes financial stability.

Recommendation 12: Develop standard bond requirements which specify bond amounts and reflect what types of proof are necessary to determine financial stability. Surety bonds are recommended as one such proof of stability. Different standards should be set for amateur and professional promotions, as amateur sponsors often lack the financial backing of professionals. (See Section VII.)

E. Formulation of Rules

Finding 1: The rules concerning the conduct of boxing contests reflect standards common to the sport worldwide. Amateur and pre-amateur wrestling rules, however, have never been formulated, nor has the Commission addressed in any way their responsibilities in this area.

Recommendation 13: Establish rules and regulations for conducting pre-amateur boxing and wrestling and amateur wrestling in the State, with provision for proper promotional, equipment, and safety standards.

Finding 2: Professional wrestling rules as formulated by the Commission are not enforced and seem more appropriate for the conduct of amateur matches. Wrestling rules in Colorado differ significantly from those in other states, and do not

reflect the accepted state of the art as it is performed today. Promoter's rules and requirements are not enforced. Because professional wrestling emerged from a sport background and involves one-on-one contact, it has been included in the regulatory jurisdiction of the Athletic Commission. But much wrestling has departed from being a sport--it has become a "show."

Recommendation 14: Professional wrestling is a performing art which is potentially dangerous to the performer and to the spectator. The Commission should establish new rules reflecting a basic policy of preventing and severely penalizing violent behavior on the part of licensees, and the maintenance of spectator control and safety. Licensing of participants should be as "performer" or a like title rather than as "wrestler".

Finding 3: Promoter's rules and restrictions are not actively enforced by the Commission in professional wrestling promotions. Exhibitions routinely are advertised as "World Heavyweight Championship Bouts" and like billing despite Commission regulations specifically prohibiting such advertising.

Recommendation 15: Enforce required promotional disclaimers and regulations restricting the type and wording of advertisements. The categories of advertising should include newspaper, radio and television announcements, tickets, ring announcements, and instate television presentations.

## F. Inspections

Finding 1: Every event is attended by an official of the Commission whose duties include inspecting the grounds to insure adherence to all laws and commission rules, observing the event to note the behavior of licensees, and to insure proper documentation of ticket sales and the payment of required fees to all involved. Commission files do not reflect the documentations required by statutes and regulations indicating all inspection duties have been performed. Commission forms presently in use for inspections are inadequate for a proper collection of data.

Recommendation 16: Develop formal inspection procedures and a thorough inspection manual with a focus on insuring complete adherence to all applicable rules. A system of fines or similar penalties is recommended as a deterrent to non-compliance on the part of the promoter.

## G. Reports

Finding 1: The Commission requires written reports from deputy commissioners, referees, ticket printers, and physicians. Commission files reflect reports only from deputy commissioners (inspectors) and physicians.

Recommendation 17: Develop an inspection manual which should include forms for the filing of referee's reports as well as any other required documentation.

H. Establishment of Fees

Finding 1: Set fees are required to be paid physicians and officials for their services. The rates are set by the Commission. Fee increases approved in 1972 were never properly published under the rules of the State but are enforced. No distinctions are made as to amateur versus professional services, imposing an economic restriction upon amateur sponsors. (See Section VII.)

Recommendation 18: Formal Commission action should be taken to reestablish fees approved in 1972 for physicians and officials and these fees should be properly published. Fees should not be required for officials of amateur events, allowing licensed officials and physicians to donate their time or to work at a reduced rate in amateur presentations.

I. Collection of Gate Tax

Finding 1: Gate taxes are collected from the promoter after all tickets have been accounted for by the Deputy Commissioner. This tax is collected by a deputy commissioner (inspector) as a part of his duties at an event. At one time, the Commission's operating expenses were drawn from the gate taxes collected from Commission-sponsored events. The Commission now receives operating monies from the General Fund and deposits collected taxes with the State Treasurer.

Recommendation 19: This gate tax would more properly be collected by the Department of Revenue rather than by the Athletic Commission. Auditing functions

presently under the jurisdiction of the Commission should also be transferred to Revenue, but the Commission should retain the authority to request audits.

\*\*\*\*\*

NOTE: It should be noted here that current efforts to revise the Commission's rules and regulations include steps to remedy many of the above findings.

#### IV. ATHLETIC COMMISSION DATA ANALYSIS

Professional wrestling matters comprise a major portion of Commission activity (see Table 1). Of 50 events held in fiscal year 1975-76, 33 were wrestling contests, and four were television presentations. Live boxing shows accounted for only 26% of all Commission activity. Boxing interest has declined substantially in the past few years, as evidenced by the steady decline in attendance figures in the last two and one-half years. This decline can be attributed to the lack of any professional activity in the State in the last two years. Amateur events have not been able to attract as many fans as professional sports.

The financial section also deserves some attention, especially because of the unexpended appropriations of the Commission. Despite the shortcomings noted in previous sections as to the administration of the statutes and consistent Commission complaints about underfunding, the appropriated funds for the Commission have not been fully utilized. In three of the last four years, approximately 25% of the Commission's budget has been returned unused to the State.

Table 1

## Statistical Data Relating to the Operations of the State

## Athletic Commission of Colorado

DESCRIPTION	FY 1971-72	FY 1972-73	FY 1973-74	FY 1974-75	FY 1975-76	FY 1976-77 (as of 12/31/76)
<b>1. Professional Wrestling</b>						
A. Number of wrestlers licensed	66	70	116	93	64	32
B. Number of events	40	47	45	37	33	20
C. Attendance (Persons)	122,396	135,437	129,759	88,998	103,472	48,005
D. Average Attendance per event	3,056	3,307	2,884	2,405	3,136	2,400
<b>2. Amateur Wrestling <sup>a</sup></b>						
	N-A	N-A	N-A	N-A	N-A	N-A
<b>3. Professional Boxing</b>						
A. Number of licenses issued						
1) Boxers	11	26	89	3	10	0
2) Managers	8	16	5	1	2	0
3) Seconds	1	7	6	2	4	0
4) Trainers	5	3	4	1	2	0
5) Timekeepers	2	0	0	2	1	1
6) Referees <sup>b</sup>	2	4	5	2	1	3
B. Number of events	12	10	14	11	13	0
C. Attendance (Persons)	44,712	36,195	36,805	18,197	15,753	0
D. Average attendance per event	3,726	3,620	2,629	1,654	1,211	0
<b>4. Amateur Boxing <sup>c</sup></b>						
	N-A	N-A	N-A	N-A	N-A	N-A
<b>5. Televised Closed-Circuit Events <sup>d</sup></b>						
A. Number of events	N-A	N-A	N-A	4	4	1
B. Attendance (Persons)	N-A	N-A	N-A	6,480	12,580	3,511
C. Average attendance per event	N-A	N-A	N-A	1,620	3,145	3,511
<b>6. Financial Data</b>						
A. Appropriations	\$ 2,785	\$ 3,798	\$ 5,610	\$ 5,610	\$ 5,526	\$ 4,124
B. Expenditures	2,707	2,466	4,120	4,279	5,273	1,429
C. Unexpended appropriations	78	1,332	1,490	1,331	253	N-A
D. License fees collected	525	730	1,175	535	435	195
E. Gate tax fees collected	26,922	37,150	42,441	27,445	33,211	14,035
F. Miscellaneous fees collected	1,525	850	225	1,005	75	650
G. General fund support	29,050	40,022	45,331	24,706	29,142 <sup>e</sup>	N-A
(total collections minus expenditures.)						

<sup>a</sup>Amateur wrestling, though statutorily included in the jurisdiction of the Commission, has not been regulated and records therefore, do not exist.

<sup>b</sup>Referees are licensed to officiate at all professional wrestling, professional boxing, and amateur boxing matches.

<sup>c</sup>Commission files do not reflect "amateur" events as a separate category from "professional", and data on amateur events and attendance is therefore included in the "professional boxing" category above.

<sup>d</sup>Closed circuit television events are taxed by the Commission 5% on all gate receipts effective May, 1973.

<sup>e</sup>The Commission held an encumbrance of \$693 into Fiscal Year 1976-77, and as such there is a discrepancy in this figure. (38,449 + 693 = \$29,142)

Source: The data presented in this section was compiled from the files and records of the State Athletic Commission of Colorado. Figures for appropriations and expenditures do not include indirect costs of DORA and general State services in the personnel, legal, fiscal, and similar areas.



Data pertaining to the regulated industry are not maintained by the Athletic Commission. Figures are not available to indicate the growth or performance of the industries regulated. Audits of promoters' books are not conducted nor are summations of yearly activity maintained. (See Section VI.)

#### V. ANALYSIS IN RELATION TO SUNSET CRITERIA

1. To what extent has the Commission permitted qualified applicants to serve the public?

The actions and procedures of the State Athletic Commission of Colorado have operated to deny qualified applicants access to segments of the boxing and wrestling professions. The Commission has failed to adopt guidelines for determining the qualifications of applicants and has repeatedly denied application forms to prospective applicants despite statutory prohibitions of such conduct.

The limitations on entry of contestants are less restrictive, but duopolistic promotion practices in the field of wrestling in the State appear to have limited the entry of contestants in this profession. (See Section VII.)

Entry to the licensing category of promoter is controlled financially by bonding requirements and by vague and unspecified moral standards.

Officials' licenses have been severely and unjustifiably limited by the Commission. Presently there are only two licensed boxing referees in the State.

2. To what extent have affirmative action requirements of State and Federal statutes and constitutions been complied with by the Commission and the boxing and wrestling industries?

A. Commission Compliance. Commission application forms are outdated and request information inappropriate to the licensing function. Licensure of minorities to serve in the capacity of an official has been denied repeatedly and has resulted in legal proceedings against the Commission. The Commission thus has practiced de facto discrimination against minorities. The Commission itself is composed entirely of elderly white males and is not representative of the boxing industry as it exists in the state today.

B. Industry Compliance. Minority and female representation in the industry is expanding, minorities comprising the majority of participants in amateur boxing.<sup>1</sup> Entry of women into boxing is a relatively new occurrence, but "lady wrestlers" are an established group. The State Employment Law (C.R.S. 1973 para. 24-34-306) and the Public Accommodations Law (C.R.S. 1973 para. 24-34-501) prohibit discrimination both within the professions and in presenting amateur contests.

3. To what extent has the Commission operated in the public interest, and to what extent have its operations been impeded or enhanced by existing statutes, procedures, and practices of the Department of Regulatory Agencies, and any other circumstances including budgetary, resource, and personnel matters?

A. Public Interest. All three members of the Commission have extensive backgrounds in the boxing and wrestling professions, two having participated in some Commission capacity for at least 25 years.

---

<sup>1</sup> Minority participation is estimated at 80-90% by Jesse Mora of the Colorado Coaches and Trainers Association.

The overwhelming orientation of the Commissioners is toward the good of the boxing industry and the promotion of the sport within the State.

The execution of the Commission responsibilities for efficient administration and impartiality has been poor as reflected by the negligence in recordkeeping and the aforementioned exclusionary practices of the Commission. (See Section III.)

B. Statutory Impediments to Public Interest. The original statute creating the State Athletic Commission out of the former State Boxing Commission, dates to 1927 (L 27 p 227 ch 70 para 1). Few substantive changes have been made since that time and the statute needs revision.

Current statutes make no effort to define the purposes intended by the Legislature in the creation of the Commission. By inference, the purposes appear to be protection of contestants, promotion of the industry, and safeguarding of consumer interest.

The requirement that two of three members be honorably discharged from the armed services (C.R.S. 1973 para 12-10-101 (1)) unduly restricts entry to the Commission.

The lack of term limitations for Commissioners (C.R.S. 1973 para 12-10-101 (1)) has allowed two members to serve for over 20 years, limiting the direction and objectivity of Commission activity.

The three member size of the Commission, coupled with a quorum size of two, has allowed Commission decisions to be made by unrecorded phone conversations outside the public scrutiny. (C.R.S. 1973 para 12-10-101.)

The vagueness of the statute, allowing meetings to be held outside the main state offices (C.R.S. 1973 para 12-10-101 (2)), has led to Commission meetings being conducted outside the public arena at a restaurant owned by the Chairman.

Overly broad statutory "discretion" (C.R.S. 1973 para 12-10-106 (1) et. seq.) granted the Commission opens the door to arbitrary decisions.

Current licensing categories specified by the statutes (C.R.S. 1973 para 12-10-106) do not include promoters of closed circuit television presentations of boxing and wrestling shows. Although subject to state tax provisions, closed circuit television promoters are not bound by the rules which apply to promoters of live shows. No consumer protection is afforded under the present form of regulation.

Artificial and arbitrary limitations on the number of licenses issued (C.R.S. 1973 para 12-10-108) unduly restricts entry to the profession.

The collection of 5% tax on net gate receipts by the Commission (C.R.S. 1973 12-10-112) places an unnecessary accounting burden on the Commission and the Department.

Other forms of one-on-one contact sports (especially the martial arts) are not subject to regulation in the State, despite the common threat posed to the health and safety of participants when engaged in hand-to-hand combat.

C. Proposed Statutory Enhancements in the Public Interest. The Executive Secretary is to be appointed in conjunction with State personnel system rules, and is charged with taking minutes and conducting the recordkeeping functions of the Commission. (C.R.S. 1973 para 12-10-102 (1).) The current Executive Secretary was hired outside

statutory requirements, and has not fully performed his statutory duties.

Annual reports are required from the Commission accounting for the "efficient discharge of all responsibilities assigned by law or directive to the Commission." (C.R.S. 1973 para 12-10-105.) No annual reports have been formulated nor presented by the Commission.

The State Criminal Code (C.R.S. 1973 para 18-5-401, 18-4-402,403) provides that conduct lending in any way to the falsification of sporting events be prosecutable as either a class five felony or a class three misdemeanor, dependent upon the infraction.

The Consumer Protection Act (C.R.S. 1973 para 6-1-105 (16)) protects against deceptive trade practices. An individual is in violation of this act if he knowingly makes a false representation as to the source, sponsorship, approval, or certification of goods or services. Such behavior is a class three misdemeanor.

D. Procedural Impediments to Public Interest. By statute, "Any individual, partnership, club, organization, or corporation may make application to the Commission for a license...." (C.R.S. 1973 para 12-10-106, 12-10-107.) Requests for application are submitted to DORA, and are then forwarded to the Chairman for disposition. Citing statutory limitation powers on numbers of licenses issued, the Chairman has, at times, neglected to send requested application forms to inquiring parties. Mechanisms do not exist for notifying other Commissioners of these actions, nor are records kept of such inquiries and actions.

Prior to March 9, 1976, Commission meetings were unpublicized and closed to the public. Subsequent to this date, at least two

Commission meetings have been held without proper notification. Although portions of these meetings involved attorney-client matters, discussions outside that realm constituted the majority of the discussions.

No Commission meetings have been held outside the Denver metropolitan area thereby limiting public access. In addition, all meetings are held during normal working hours, creating a further limitation to access.

Recommendation 20: Meetings should be scheduled in the Colorado Springs/Pueblo area at least once a year, and some meetings should be held in the evening to provide access to the working public.

E. Budgetary Problems. Current licensing revenues generated by the Athletic Commission do not approach the administrative costs of the Commission. Cash funding of this operation would require up to a twenty-fold increase in license rates. Although "cash fund" appropriations should be made to any extent possible, continued General Fund financing of this Commission will be required in the future. While the Commission has not fully utilized its available appropriations, full and proper discharge of the statutory functions will necessitate increased appropriations in future years.

F. Relationships with DORA. Since the Athletic Commission was a Type 1 transfer under the Administrative Reorganization Act of 1968, and authority is vested in the Commission, the Department's involvement with the Commission has been minimal. Budget preparation and accounting matters are handled through the Department, and clerical assistance is also provided by the Department.

Departmental audits conducted in 1972 and 1975 emphasized record-keeping and accounting system discrepancies and suggested changes. The Commission, however, has been slow in implementing these changes.

Clerical assistance, although available, has not been efficiently used by the Commission. At the Commission's request prior to December, 1976, all mail sent to the Commission was held unopened by the Department until picked up by a Commission representative. This procedure has resulted in an unnecessary time lag in the forwarding of requested information and applications, and has created a situation where no records exist as to the number or contents of mail sent to the Commission.

4. To what extent has the Commission recommended statutory changes to the General Assembly which would benefit the public as opposed to the persons it regulates?

No statutory changes have been recommended by the Commission, with the exception that, in 1973, closed circuit television presentations of boxing contests were included within the taxation authority of the Commission. While this measure was not formally requested by the Commission, individual Commission members supported the legislation. The measure serves solely to generate tax revenues and does not provide benefits to either the general public or the regulated industry.

5. To what extent has the Commission required the persons it regulates to report to it concerning the impact of rules and decisions of the agency on the public regarding improved service, economy of service, and availability of service?

The Commission has never required licensees to report on the impact of rules and decisions, nor has any study been conducted by

the Commission to assess such impacts. Access to the Commission by licensees has been severely limited as Commission meetings prior to March 9, 1976, were unpublicized and held on private premises. Public meetings held subsequent to March 9, 1976, indicate widespread dissatisfaction and concern among licensees as to the impacts of Commission rules and decisions upon both the profession and the public.

6. To what extent have persons regulated by the agency been required to assess problems in their industry which affect the general public?

The Commission requires no licensee input on industry problems, nor do procedures exist for securing this input. Past Commission procedures have acted to prevent licensee input, as licensees were not informed of the time or location of Commission meetings. Further, the Commission has not solicited information concerning industry problems.

7. To what extent has the Commission encouraged participation by the public in making its rules and decisions as opposed to participation solely by the persons it regulates?

Of the two public hearings held by the Commission, only one has dealt with revisions of Commission rules and regulations. Notification of the hearing was sent to news media and to all licensees and officials of the Commission. The review of rules and regulations was prompted by the Assistant Attorney General assigned to represent the Commission in a lawsuit concerning the present rules. The purpose of the review is to eliminate discriminatory, ambiguous, and unduly restrictive practices of the present rules and regulations.

This rules hearing, held December 28, 1976, presented the first opportunity for public input into Commission rules and regulations.



Public statements before the Commission at this hearing indicated widespread distrust and dissatisfaction on the part of both participants in boxing and wrestling and members of the public. Charges of abuse of authority, inaccessability, unqualified officials, improper officiating, discriminatory policies and practices, and monopolization of the industry were levied against the Commission. A few of the charges were denied, others were noted with no comment made by the Commissioners.

8. With what efficiency have formal public complaints filed with the Commission or with the Executive Director of the Department of Regulatory Agencies concerning persons subject to regulation been processed to completion by the division, board, or agency, by the Executive Director of the Department of Regulatory Agencies, by the Department of Law, or by any other applicable department of State government?

Commission files contain no reference to any complaint in the last six years, nor has any investigation or formal Commission action been undertaken regarding complaints. No procedures exist other than statutory (see C.R.S. 1973 para 12-10-10), for the disposition of complaints or for the investigation of charges brought to the attention of the Commission.

Statements made by members of the public at the December 28, 1976 meeting indicate that complaints have, indeed, been lodged in the past. The Chairman of the Commission acknowledged receipt of a written complaint, but dismissed the matter because he never got a follow-up letter of complaint.<sup>1</sup>

---

<sup>1</sup> Statement by the Commission Chairman at Commission Rules Hearing on December 28, 1976.

A lawsuit was filed against the Commission in June, 1976, charging discrimination and nonadherence to Commission rules and regulations. A thorough review and rewriting of present Commission rules and regulations was instigated pursuant to this lawsuit.

Complaints received by the Executive Director of the Department of Regulatory Agencies have been referred to the appropriate offices and are currently being investigated.

9. To what extent are changes necessary in the enabling laws of the Commission to adequately comply with the factors listed in this paragraph? (Sunset criteria 1-8 above.)

A. Commission Created-Members-Meetings. (C.R.S. 1973 para 12-10-101,)

Recommendation 21:

(a) Expand Commission size to five members, with majority representation by the general public. The Commission should include one amateur athletics representative; one professional athletic representative; and three members of the general public, one of whom is a physician with expertise in sports-related injuries.

(b) Establish term limitations to prevent an individual from holding a commission seat for unduly long periods of time. Two 4-year terms are suggested as an appropriate limitation.

(c) Clarify statutory provisions allowing Commission meetings to be held "... at the main office or elsewhere when the convenience of the commission so requires" (emphasis

added), as this provision has led to Commission meetings taking place outside the public arena.

B. Deputy Commissioners - License as Participants. (C.R.S. 1973 para 12-10-103, 12-10-107 (2).)

Recommendation 22: The Commission should establish payment rates for deputy commissioners on a per diem basis and license fees adequate to cover the administrative costs of licensing.

C. License Required-Application. (C.R.S. 1973 para 12-10-106 (1) et. seq.)

Recommendation 23: References to Commission "discretion" in conducting State affairs should be eliminated, as this discretion has been widely interpreted to the point of abuse by the Commission.

Recommendation 24: Promoters of closed circuit television presentations of regulated sports should be subject to the same requirements as promoters of live programs within the State.

D. License as Participants. (C.R.S. 1973, para 12-10-107 (3)).

Recommendation 25: The last phrase in this paragraph "... is detrimental to boxing or wrestling in the State of Colorado." should be revised to read "... violates this statute or the rules and regulations promulgated thereunder." The reason for this change is to eliminate arbitrary definitions of the word "detriment" from the statute.

E. Licenses and Contests May be Limited. (C.R.S. 1973 para 12-10-108.)

Recommendation 26: Limitations on the number of licenses issued should be deleted from the statute as such limitations serve no ascertainable public purpose.

F. Tickets - Tax. (C.R.S. 1973 para 12-10-112.) The collection by the Commission of a 5% gate receipt tax presents an unnecessary accounting burden upon the Commission and the Department of Regulatory Agencies and detracts from the inspection duties of Commission representatives. The collection of taxes should be handled by an agency with expertise in handling tax receipts.

Recommendation 27: The administration and collection of the gate receipts tax should be assumed by the Department of Revenue.

G. Amateur Boxing. (C.R.S. 1973 para 12-10-116 (3,4).) Commission control of amateur boxing events is necessary only to a limited extent. In other states surveyed, the Amateur Athletic Union (AAU) is given a wide range of authority over amateur boxing matches, and the states require that all amateur matches be conducted according to the rules and standards of the AAU. If the rules of the State are more stringent than AAU rules, State provisions should prevail. The commissions retain ultimate jurisdiction should a dispute arise or an incident occur not covered by AAU rules.

Recommendation 28: It is recommended that provisions relating to amateur boxing similar to those used in some other states be included in the Colorado statutes, and that the Commission's role in conducting amateur boxing matches be greatly reduced.

H. Age of Participants. (C.R.S. 12-10-119).

Recommendation 29: The age categories presented in this section adequately address amateur and professional standards, but fail to recognize pre-amateur (under 16 years old) involvement in the sports regulated. It is recommended that pre-amateur nonschool events be included as a special category of regulation in order to insure the safety of the minors participating.

I. Wrestling. (C.R.S. 1973 para 12-10-120.)

Recommendation 30. (a) It is recommended that the provisions of this article be expanded to include all martial arts and other forms of one-on-one combat in the State such as karate and judo. Further, where the nature of the contest is exhibitivie (as in professional wrestling and in martial arts exhibitions), it is recommended that promoters be required to bill such shows as "exhibitions" rather than "contests" in all advertising, instate television presentations, on tickets, and as a general announcement to the audience prior to each bout.

(b) Legislative study is recommended into the presentations of wrestling exhibitions on television at times when children are likely to see them, as the behavior presented to these children does not promote the development of concepts of sportsmanship and fair play normally associated with "sports" events. Late evening is suggested as an appropriate time for television presentations of such events.

"Wrestling" as it is currently presented to the public in commercial promotions is no longer a genuine sport because conduct in the ring is obviously lacking in sportsmanship, and the "contest" outcomes give evidence of being predetermined. These are "exhibitions" or "performances" which ought to be clearly distinguished to the public from real sports where the elements of fairness and bona fide testing of skill are the essence. Caricature of sports leave the undesirable impression that sportsmanship has degenerated to a low level.

(c) It is also recommended that distinctions be statutorily drawn between amateur wrestling and professional wrestling. Amateur wrestling is a sport in the true sense of the word and requires the same stringency of regulation as does amateur boxing.

J. Sundays Excluded. (C.R.S. 1973 para 12-10-121.)

Recommendation 31: It is recommended that this statutory provision be deleted, as other sporting events are not bound by similar rules.

K. Other Statutory Recommendations.

Recommendation 32: The statutory purpose of the Athletic Commission needs to be established succinctly to reflect legislative intent that the Commission perform its functions in the public interest; and the extent of Commission involvement in promotion of industry interests and protection of sports participants should be sharply defined.

## VI. PUBLIC ACCOUNTABILITY AND RESPONSIBILITY

### Commission Organization

Present Commission membership includes two members who have served periods of over 25 years. Consistent reappointment of commissioners has limited the scope and direction of Commission activities, and precluded the inclusion of new individuals with an interest in the sports regulated. Commissioners can be removed from office by the Governor only for "good cause" and after a formal hearing. All three present Commissioners have backgrounds in the boxing or wrestling industries. There is no consumer or general public representation. In the last 50 years, no minority member or woman has ever held a Commission seat.

Recommendation 33: Term limitations and membership expansion as outlined in Section V should be instituted. The Commission should be expanded to five members including at least three members of the general public and should include women and minorities in its composition.

### Commission Procedures

1. Commission Meetings. Prior to March 9, 1976, Commission meetings were unpublicized and held in a non-public forum. Meeting locations were in a restaurant owned by the Chairman of the Commission. In addition, many Commission decisions were made via telephone conversations. Subsequent to March 9, 1976, at least two Commission meetings have been held without proper notification. Although portions of these meetings involved attorney-client matters, the majority of discussions dealt with matters outside that realm. In one instance, minutes were not recorded.

Recommendation 34: The provisions of the Sunshine Law need to be followed by the Commission and a public notification procedure should be established and followed. A public information officer within the Department could provide services for this Commission, as well as handle other agencies within the Department, helping to assure proper public notice.

2. Annual Reports. Although specifically required by statute (C.R.S. 1973 12-10-105), no annual reports have been formulated or submitted by the Commission.

Recommendation 35: Adequate annual reports should be prepared and filed as required.

3. Minorities. There exists only one minority individual licensed or appointed by the Commission to act in an official capacity at boxing or wrestling events. This situation exists despite the fact that boxing is a popular sport among Blacks and Chicanos in the State. About 80% of all amateur participants in boxing are minority members.<sup>1</sup>

Recommendation 36: Conscious efforts should be made to assure minority representation among officials at boxing and wrestling contests.

4. Location and Time of Meetings. Commission meetings are not regularly scheduled, and no meetings have been held outside the Denver metropolitan area, thereby limiting public access. Currently, all

---

<sup>1</sup> Estimate provided at public hearing on December 28, 1976 by Jesse Mora, Coaches and Trainers Association of Colorado.



meetings are held during normal working hours, creating a further limitation to public access.

Recommendation 37: Commission meetings should be regularly scheduled on a quarterly basis, and should take place in areas outside Denver at Pueblo or Colorado Springs at least once a year. Consideration should be given to scheduling some meetings in the evening to provide access to the working public.

5. Internal Communications. Communications among Commission members are neither well established nor maintained. Application requests are forwarded to the Chairman who may or may not inform other Commissioners of the request, or may not take action to insure that application forms are promptly sent to inquiring parties.

Recommendation 38: With the implementation of proper administrative procedures (see Section III), this situation should be alleviated.

6. Commission Records. Records in Commission files are not kept current nor do they reflect the collection of data normally expected of a state agency. Minutes of meetings are sparse and do not reflect all Commission actions; past and present records are mixed; no listings are kept of present licensees; yearly summations of activity are not kept; and until recently license numbers were not reflected upon license receipts.

Recommendation 39: Commission recordkeeping systems should be totally revised and reorganized to provide easy access to information and allow for yearly summations of activity and evaluations of performance.

7. Operating Forms. Contracts, applications, and other forms required for licensing are not specified in the rules and regulations, nor are there written guidelines for the proper completion of the forms. The forms do not indicate the need for supplementary data required by the Commission. Forms presently in use are outdated and incomplete. No process exists for the orderly review of these materials, and all forms are printed only in English.

Recommendation 40: All application forms and contracts should be thoroughly reviewed and rewritten to reflect the compilation of all data required for licensing and to include required contractual terms. Necessary forms should be specified and instructions for completing the forms should be supplied both in English and Spanish.

8. Complaints and Investigations. Investigation procedures have not been developed by the Commission, nor are investigations always conducted when complaints are submitted to the Commission.

Recommendation 41: All licensee complaints received by the Commission should be forwarded to departmental staff assigned to investigations. Should the complaints be found valid, formal Commission action should commence to insure proper disposition of the matter.

9. Response to State Audit Reports. Audit reports completed in 1971-72 by the State Auditor and in 1975 by the Departmental Auditor contain numerous criticisms of the Commission's recordkeeping system and suggest specific remedies. Although some of the problems have been corrected, the overall recordkeeping system of the Commission remains inadequate. Many deficiencies noted in the 1971-72 audit were uncorrected at the time the 1975 audit took place.

Recommendation 42: See (6). Additionally, an internal audit is recommended in one year's time to determine the effectiveness of changes initiated in the record-keeping system of the Commission as well as response to other recommendations.

10. Conflicts of Interest. As all present Commissioners have extensive backgrounds in the industry, there are likely to be situations where friends and acquaintances of the Commission apply and receive licenses. Standards or procedures have not been developed by the Commission to address conflict-of-interest situations. One of the two referees licensed as of November, 1976 was the son of the Commission Chairman.

Recommendation 43: Conflict of interest standards and procedures, with annual reporting requirements, should be developed and promulgated by DORA to assure impartiality and propriety.

11. General Administrative Accountability of the Commission. As an independent regulatory unit, the Athletic Commission has, in practical fact, been answerable to no one for proper and efficient administration of its statutory responsibilities. This report is replete with evidence that this situation has not been in the public interest. A more effective approach for achieving responsive and responsible behavior by such independent bodies as this one is necessary.

Recommendation 44: The Athletic Commission should be answerable to the Executive Director of the Department of Regulatory Agencies for the efficient, effective, and proper administration of the powers and functions vested in

the Commission for the protection of the public health, safety, and welfare. The Commission should provide such information and reports to the Executive Director of the Department as he may request in departmental regulations or in special instructions so that the Executive Director may evaluate and exercise proper oversight over the administration of the Commission's functions. The information and reports should include (a) work plans including statements of goals and objectives, (b) information relating to disclosure of possible conflicts of interest, (c) data on workloads and performance, (d) information on complaints, special problems, or proposed or ongoing investigations, (e) proposed changes in rules or regulations, (f) data on the financial condition of the industry and the handling of funds, and (g) such other information or reports as may be pertinent to the purposes of this section. The Executive Director of the Department of Regulatory Agencies should be directed also to report to the Governor and to the General Assembly at the beginning of each legislative session any instances of non-compliance by the Commission with this section and the reasons therefor.

## VII. ECONOMIC IMPACT

The Colorado State Athletic Commission has not assumed responsibility for the regulation of prices charged for athletic contests. However, several aspects of Commission activity do have an impact on the economics of the market and are outlined below.

### Fees for Officials

The Commission sets the fees for payment of all referees, judges, physicians, and timekeepers. No distinction is made between professional and amateur contests, but provisions exist for officials to be paid a percentage of the gate receipts above minimum levels. Amateur promoters have disputed this blanket provision on the grounds that they are unable to recruit volunteer and low-pay officials. Instead, they must include officials' fees in their overhead costs.

Recommendation 45: For all professional contests, the fees should continue to be set by the Commission. For amateur events, maximum fees should be established, and amateur promoters should be allowed to recruit licensed officials to work at any rate agreed to within the maximum limit.

All such agreements should be documented and filed with the Commission prior to approval of the promotion.

### Financial Stability

Colorado statutes require that each promoter provide proof of financial stability and a \$500 bond. While not specified in the Commission's rules and regulations, promoters are required to post a bond against ticket sales. Guaranteed purses to contestants must be deposited with the Commission in accordance with Commission rules. Additionally, the records of promoters must be open to Commission inspection. Again, the impact of these regulations upon amateur sponsors is adverse. Raising capital to cover the total costs of an event prior to ticket sales poses severe restrictions for most amateur promoters.

Recommendation 46: Professional promoters should be required to post bonds that are adequate to cover all costs, including ticket sales, contractual agreements, and officials' fees. In addition to the required state promoters bond of \$500, Commission rules should specify exactly what constitutes proof of "financial stability". Spot checks should be made of promoters' books to assure that proper information is being received by the Commission. Amateur promoters should be required to post the State bond of \$500, as well as a bond based upon a percentage to total projected ticket sales. Monies accrued from ticket sales in advance of the contest should be deposited with the Commission and released, along with the percentage bond, at the conclusion of the scheduled event. Should the promotion not occur, consumers should be reimbursed by the promoter from funds held by the Commission. Costs of administering this reimbursement process should be absorbed by the promoter.

#### Percentage and Purse Guarantees

These provisions apply to professional contests only. Current Commission rules prohibit contracts whereby the manager receives more than 33% of the contestant's purse. Further, no more than 60% of the net gate receipts can be paid to main event contestants, and no one contestant may receive more than 75% of the purse allocated for each bout. With approval of the Commission, these percentages may be changed. There are, however, no standards or procedures for determining when exceptions should be made and there are no limitations on the extent of Commission discretion in granting such exceptions.

Recommendation 47: Standards and guidelines concerning the circumstances under which an exception will be granted and limits as to the extent of exceptions should be formulated and rigorously followed.

#### Exclusionary Practices

The number of licenses issued to certain categories of practitioners has been severely and arbitrarily limited by the Commission, denying access to otherwise qualified individuals. This practice has acted to enhance the earnings of present licensees at the expense of those who are refused licenses and serves no discernable public interest. Indeed, this practice may be producing a monopolistic situation as an unforeseen consequence of inadequate public oversight of the Commission's activities.

Recommendation 48: Limitation on numbers of licenses issued interfere needlessly with the market structure of the industry, and should be immediately eliminated.

(See Section V.)

#### Market Competition

1. Market Structure. Presently, and for the past five years, only two promoters have been licensed to present professional wrestling performances in the State of Colorado. Denver metropolitan events are promoted by the Athletic Promoters, Inc., which uses wrestlers registered with All-Star Wrestling of Minneapolis, Minnesota. Colorado Springs and Pueblo presentations are promoted by Sports Unlimited, Amarillo, Texas, and uses wrestlers registered with Championship Wrestling. Professional wrestlers residing in the State who do not belong to the above-named organizations are precluded from pursuing their occupation within the State.

Recommendation 49: Promoters licensed to present professional wrestling exhibitions in the State should include independent entrepreneurs who use wrestlers not affiliated with the above-named organizations. Limitations on the number of promotional licenses issued should be eliminated. Domination of a regional market by a single promoter should be prohibited.

2. Residency Requirements. Present Commission rules and regulations require promoters to be citizens of the State for at least one year prior to the issuance of a license. Contrary to this provision, two promoters currently licensed in the State are not State residents.

Recommendation 50: Residency requirements as presently outlined in the rules and regulations should be eliminated as they preclude the staging of large (championship) events in Colorado by promoters from other states and thus reduce competition.

#### VIII. ANALYSIS OF ALTERNATIVES FOR ATHLETIC REGULATION IN COLORADO

##### Alternative I. Remove All Regulation

Were all laws and rules concerning athletics abolished, the most immediate effects would be felt by the contestants. Safety and equipment standards effectively protect contestants from severe injury and prevent the use of "loaded gloves" and other unfair and dangerous practices. Further, without regulation, promotional schemes and fraudulent activities are likely to arise, creating a threat to consumer interests. Promotions might not occur after tickets have been



sold or the outcome of an event could be predetermined, detracting from the legitimacy and public acceptance of the sport.

The need for regulation in professional sports involving one-on-one contact is to protect the contestants' physical safety and to assure consumers of proper and fair conduct of events. For amateur and pre-amateur sports, regulation helps assure the safety and fairness of competition involving minors in the State.

#### Alternative II. Athletic Jurisdiction

Existing State agencies could conceivably assume some of the duties presently performed by the Athletic Commission, but the resulting distribution of authority would probably hamper the efficient administration of the statutes.

Safety inspections could be conducted by the Department of Health; investigation of complaints could be conducted by the Attorney General; promoters could be required to register and post bond with the Secretary of State; and all financial auditing and tax collection could be performed by the Department of Revenue. Licensing and rule-making would require the creation of an office within the Department of Regulatory Agencies for proper administration. The communication and cooperation that would be required among these various departments would be complex and difficult, creating far too many steps to the effective resolution of problems within the industry. Public purpose can best be served through the consolidation of these functions (excluding tax collection) in the Department of Regulatory Agencies.

#### Alternative III. Reorganization of Athletic Regulation

As most of the functions presently performed by the Commission

are administrative rather than judicial, it is recommended that the Commission be abolished and that an Office of Athletics be established in the Department of Regulatory Agencies. Quasi-judicial functions can be administered efficiently with the appointment of a hearing officer, as needed, from the Department of Administration. An advisory panel of citizens and industry representatives can assume the quasi-legislative role of rule-making, as well as provide public oversight of the administration of the act.

A. Arguments favoring reorganization include:

1. Closer administrative oversight by the Executive Director of the Department.
2. Assurance of proper recordkeeping procedures.
3. Greater accessibility and responsiveness to the public.
4. More efficient complaint investigation and resolution.
5. The reorganization action would respond to the publicly expressed concerns that the Commission, as presently constituted, is arbitrary, biased, and inefficient or nonresponsive.
6. Required inspections and reports presently absent from Commission records would be assured.

B. Arguments opposing reorganization include:

1. Independent control of regulation would be lost.

Response: While the abolition of the Commission is recommended, public input into regulation and independent oversight would be assured with the appointment of a panel of citizens to continue an advisory and oversight function.

Indeed, genuine public input would be more assured than it has been under the present Commission.

2. The boxing and wrestling professionals should regulate themselves through a Commission of knowledgeable professionals from the industry.

Response: The long record of poor and nonresponsive behavior by the Commission indicates the weakness of self-regulation. The present Commission has shown itself to be arbitrary and not conducive to proper and competitive development of boxing and wrestling in the State.

3. Creation of an Office of Athletics in the Department of Regulatory Agencies would vest too much power in the Executive Director of DORA.

Response: Greater public responsibility and accountability would be achieved if authority were vested in a department Executive Director responsible to the Governor and to the General Assembly rather than in an independent Commission which is supervised and directly responsible to no one.

Alternative IV. Retain the State Athletic Commission of Colorado

Another alternative available to the General Assembly is the reorganization of the Commission. This would involve retaining the form of the present Commission, but with some redrafting of the laws and regulations for greater specification.

A. Arguments favoring reestablishment includes:

1. An independent commission provides public control of the regulatory process for this industry.

Response: As discussed throughout this report, the Commission has not been responsive to public interest nor to the myriad of laws and requirements imposed by the State. The autonomy of the Commission has worked to impede rather than enhance the public interest in that proper procedures and controls have never been developed.

2. New members on the present Commission would solve the more serious problems which have recently existed.

Response: The basic problems of this Commission stem from a lack of responsibility and accountability. These problems lead to poor documentation and arbitrary regulatory actions. While expansion might make the Commission more responsive, it would not reestablish public trust, confidence and accountability as thoroughly as would reorganization.

3. The functions entrusted to this Commission can only be properly exercised by a Commission.

Response: The Commission does not perform functions that regulate prices, nor does the Commission regulate a service that is necessary to the well-being of the majority of citizens in the State. Commission approval of licensing applications is more ceremonial than functional, and is unnecessary provided proper investigations are made to determine the accuracy of information provided in application forms. The Commission, moreover, has not provided satisfactory regulation because it has not been responsible to an individual or department with the capacity and authority to review its performance.

APPENDIX A

CRITERIA FOR EVALUATING THE  
STATE ATHLETIC COMMISSION OF COLORADO

Purpose (Public Need/Harm)

1) Is regulation of the boxing and wrestling industry under present conditions necessary in the public interest, i.e. to protect the public health, safety or welfare?

2) Is there a reasonable relationship between the exercise of the state's police power and the protection of the public health, safety, or welfare?

3) Do the statutes, rules, and regulations clearly state the public purpose and objectives of the commission and establish goals, objectives, and procedures that serve the public purpose?

Organizational and Administrative Effectiveness

1) Is the commission's organizational structure and composition consistent with its primary purpose of protecting the public health, safety, and welfare?

2) Are the commission's procedures and practices consonant with its public protection purpose?

3) Is the organizational structure adequate to insure effectiveness?

4) Is the administration of the commission efficient?

5) Is the administration of the commission effectively serving the public?

6) Are goals and objectives clearly specified to the public and the commission staff?

### Sunset Criteria

- 1) The extent to which the Athletic Commission has permitted qualified applicants to serve the public.
- 2) The extent to which the affirmative action requirements of state and federal statutes and constitutions have been complied with by the Athletic Commission or the boxing and wrestling industry.
- 3) The efficiency with which formal public complaints filed with the commission or with the Executive Director of the Department of Regulatory Agencies concerning persons subject to regulations have been processed to completion by the commission, by the Executive Director of the Department of Regulatory Agencies, by the Department of Law, and by any other applicable department of state government.
- 4) The extent to which the commission has operated in the public interest, and the extent to which its operation has been impeded or enhanced by existing statutes, procedures, and practices of the Department of Regulatory Agencies, and any other circumstances, including budgetary, resource, and personnel matters.
- 5) The extent to which the commission has recommended statutory changes to the general assembly which would benefit the public as opposed to the persons it regulates.
- 6) The extent to which the commission has required the persons it regulates to report to it concerning the impact of rules and decisions of the agency on the public regarding improved service, economy of service and availability of service.

7) The extent to which the commission has encouraged participation by the public in making its rules and decisions as opposed to participation solely by the persons it regulates.

#### Public Accountability

1) How effective is the present regulation in benefiting the general public and consumers?

2) Are all facets of the regulatory process designed solely for the purpose of, and have as their primary effect, the protection of the public?

3) Are the present commission's procedures and practices subject to public scrutiny, presented to the public in a systematic and understandable manner, and is there sufficient statutory provision for commission accountability to the public and legislature? Is the commission genuinely responsive to the public and especially to the consumers?

4) Are annual reports required and published by the commission?

5) Are commission finances periodically reviewed and/or audited?

6) What procedures exist for dealing with conflict of interest problems?

7) Are practitioners subject to complaints promptly investigated and properly disciplined for due cause?

#### Economic Impact

1) Does the board have the means to assess the economic impact in both industry and consumer, of regulations and standards established by the commission?

2) What is the effect of the commission on the supply and demand of services provided by persons licensed by the commission?

Alternatives

1) Is there another less restrictive method of regulation available which could adequately protect the public?

2) Would the absence of regulation significantly harm or endanger the public health, safety, or welfare?



## STATE ATHLETIC COMMISSION OF COLORADO STATUTE

## ARTICLE 10

## Boxing and Wrestling

- |   |   |
|---|---|
| 12-10-101. Commission created — members — meetings.             | 12-10-112. Tickets - tax.                             |
| 12-10-102. Secretary — executive director.                      | 12-10-113. Receipts — appropriation.                  |
| 12-10-103. Deputy commissioners.                                | 12-10-114. Licensed physician in attendance.          |
| 12-10-104. Sole jurisdiction over boxing and wrestling matches. | 12-10-115. Building safety requirements.              |
| 12-10-105. Report — publications.                               | 12-10-116. Amateur contests, matches, or exhibitions. |
| 12-10-106. License required — application.                      | 12-10-117. Number of rounds — equipment.              |
| 12-10-107. License as participants.                             | 12-10-118. Referees and judges — seconds.             |
| 12-10-108. Licenses and contests may be limited.                | 12-10-119. Age of participants.                       |
| 12-10-109. Term and renewal — fees — bond.                      | 12-10-120. Wrestling.                                 |
| 12-10-110. Transfer of license — penalty.                       | 12-10-121. Sundays excluded.                          |
| 12-10-111. Revocation and suspension.                           | 12-10-122. Sham or colusive matches.                  |
|   | 12-10-123. Penalty.                                   |

12-10-101. Commission created - members - meetings. (1) There is hereby created, as a part of the department of regulatory agencies under the division

of registrations, a commission to be known as the "state athletic commission of Colorado" and referred to in this article as the "commission". The commission shall consist of three members to be appointed by the governor of the state upon the expiration of the respective terms of the incumbent members of the commission, and the members to be appointed by the governor after May 16, 1947, as vacancies occur by expiration of term, shall hold office for terms to expire on January 1, 1955, January 1, 1957, and January 1, 1959, respectively, and the successors to these members of the commission shall thereafter be appointed for a term of six years. The governor, for good cause and after a hearing, may remove any of the members of said commission. A vacancy occurring in the office of a member of the commission, other than by expiration of term, shall be filled in like manner as appointment for a full term for the remainder of such unexpired term. Not less than two of the three members of said commission shall be honorably discharged from the armed forces of the United States, and armed forces, for the purpose of this article, means the army, navy, marine corps, coast guard, or any branch thereof.

(2) Two members of the commission constitute a quorum for the exercise of the powers or authority conferred upon it, and the concurrence of at least two commissioners shall be necessary to render a choice or decision by the commission. An office for said commission shall be provided in the capitol building and the main office of the commission shall be maintained there. The commission may hold meetings at the main office or elsewhere when the convenience of the commissioners so requires. The members of the commission shall receive no compensation for their services except such actual traveling and other expenses as may be incurred by them in the performance of their official duties. The members of the commission shall elect one of their number chairman and shall adopt a seal for the commission.

Source: L. 47, p. 303, § 1; CSA. C. 24, § 17; CRS 53, § 129-1-1; C.R.S. 1963, § 129-1-1; L. 68, p. 119, § 110.

Cross reference: For the department of regulatory agencies, see § 24-1-122.

Am. Jur. See 4 Am. Jur.2d. Amusements and Exhibitions, § 26.

C.J.S. See 86 C.J.S.. Theatres and Shows, § 3.

Annotator's note. Cases material to § 12-10-101 decided prior to its earliest source, L. 47, p. 303, § 1, have been included in the annotations to § 12-10-101.

Prior to establishment of the commission, boxing was prohibited by an express provision in the criminal code. See Olympic Athletic Club v. Speer, 29 Colo. 158, 67 P. 161 (1901); People v. Corbett, 72 Colo. 117, 209 P. 808 (1922); People v. Shirley, 72 Colo. 120, 210 P. 327 (1922).

It is only because of the provisions of this permissive article and under the regulations

therein provided that public sparring, boxing exhibitions and prize fights may be conducted. Antlers Athletic Ass'n v. Hartung, 85 Colo. 125, 274 P. 831 (1929).

This article has provided expressly how and under what conditions public boxing exhibitions may be conducted. Antlers Athletic Ass'n v. Hartung, 85 Colo. 125, 274 P. 831 (1929).

Therefore, citizens and corporations generally, not being authorized to promote or conduct them without permission of the state, which has been qualifiedly given, must accept the privilege so given under the conditions and subject to the qualifications prescribed by this permissive article. Antlers Athletic Ass'n v. Hartung, 85 Colo. 125, 274 P. 831 (1929).

12-10-102. Secretary - executive director. (1) Pursuant to section 13 of article XII of the state constitution, the commission shall appoint a secretary.

The secretary of said commission shall be the executive director of the commission, whose duty it shall be to keep a full and true record of all its proceedings, preserve at its main office all its books, documents, and papers, prepare for service such notices and other papers as may be required of him by the commission, and perform such other duties as the commission may prescribe.

(2) The executive director, under the direction of the commission, may issue subpoenas for the attendance of witnesses and the production of documents and records before the commission and, under direction of the commission, may administer oaths in all matters pertaining to the duties of his office or connected with the administration of the affairs of the commission. Failure or refusal of any person to obey any such subpoena of the executive director or refusal to be sworn or examined, to answer a question, or to produce a document or record when ordered so to do by the commission or its executive director shall be grounds upon which the commission may apply to the district court, upon proof by affidavit of the facts, for an order returnable in not less than three days nor more than five days directing such person to show cause before the district court which made the order why he should not be held in contempt. Upon the return of such order, the district court shall examine under oath such person and give him an opportunity to be heard, and if the court determines that he has refused without legal excuse in any one of the foregoing matters, it may forthwith cite the offender in contempt and sentence the offender to such penalty as the court deems proper for such offense.

(3) The executive director of the commission shall receive such annual salary as fixed by the commission subject to the constitution and state personnel system laws of the state and within the limits of funds made available to the state athletic commission by appropriation or otherwise. The salary of the executive director and the necessary traveling and other expenses of members of the commission and the executive director shall be paid monthly by the state treasurer on proper warrants and the certificate of the chairman and executive director of the commission out of moneys received into the treasury of the state from license fees, fines, forfeitures, and other revenue under the provisions of this article.

**Source:** L. 47, p. 304, § 2; CSA. C. 24, § 18; CRS 53, § 129-1-2; C.R.S. 1963, § 129-1-2.

**Cross reference.** As to the state personnel system and the merit system, see § 13 of art. XII, Colo. Const.

**12-10-103. Deputy commissioners.** The commission may appoint and remove deputy commissioners and direct such deputy commissioners or any one or more of them to be present at any boxing or wrestling contest, match, or exhibition and, in the absence of the commission or a member thereof, to superintend and control said boxing or wrestling contest, match, or exhibition in accordance with the provisions of this article and the rules and regulations passed by the commission pursuant thereto. Such deputy commissioners shall make a written report to the executive director in the manner and form prescribed by the commission of the conditions prevailing at every such con-

test, match, or exhibition. Deputy commissioners shall be paid fifteen dollars for attendance at any contest, match, or exhibition and the performance of their duties as specified in this article and, in addition, shall be paid any actual and necessary traveling and incidental expenses. Such payments shall be made by warrants in the same manner and from the same source as fully specified in section 12-10-102.

**Source:** L. 47, p. 305, § 3; CSA, C. 24, § 19; CRS 53, § 129-1-3; L. 57, p. 766, § 1; C.R.S. 1963, § 129-1-3.

**Cross reference.** As to making proper payments by warrants to members of the commission, see § 12-10-102(3).

**12-10-104. Sole jurisdiction over boxing and wrestling matches.** The commission has the sole jurisdiction, direction, management, and control over all professional and amateur boxing, sparring, and wrestling contests, matches, and exhibitions conducted, held, or given within the state of Colorado. No such professional or amateur boxing, sparring, or wrestling contest, match, or exhibition shall be conducted, held, or given within the state except in accordance with the provisions of this article and the rules and regulations adopted by the commission pursuant thereto. The commission may pass and adopt such rules and regulations for the administration of this article, which are not inconsistent herewith, as it deems necessary and expedient and may amend, rescind, and modify such rules and regulations whenever changes are required, in the opinion of the commission, for the better administration of this article. The rules and regulations adopted by the commission have the force and effect of law.

**Source:** L. 47, p. 305, § 4; CSA, C. 24, § 20; CRS 53, § 129-1-4; C.R.S. 1963, § 129-1-4.

**Am. Jur.** See 4 Am. Jur.2d. Amusement and Exhibitions, § 26.

The business of giving boxing exhibitions is permissible only when the state so authorizes, and a licensing statute permitting such busi-

ness may not be held void on the ground that the license fee is excessive or the statute discriminatory. *Antlers Athletic Ass'n v. Hartung*, 85 Colo. 125, 274 P. 831 (1928) (decided prior to earliest source).

**12-10-105. Report - publications.** (1) The commission shall prepare and transmit annually, in the form and manner prescribed by the controller pursuant to the provisions of section 24-30-208, C.R.S. 1973, a report accounting to the governor and the general assembly for the efficient discharge of all responsibilities assigned by law or directive to the commission.

(2) Publications of the commission circulated in quantity outside the executive branch shall be issued in accordance with fiscal rules promulgated by the controller pursuant to the provisions of section 24-30-208, C.R.S. 1973.

**Source:** L. 47, p. 311, § 12; CSA, C. 24, § 28; CRS 53, § 129-1-17; C.R.S. 1963, § 129-1-17; L. 64, p. 172, § 141.

**Cross reference.** As to the information coordination act, its policy, and the functions of the division of accounts and control, see § 24-30-208.

**12-10-106. License required - application.** (1) Any individual, partnership, club, association, organization, or corporation may make application to the commission for a license to conduct, hold, and give professional and amateur boxing, sparring, and wrestling contests, matches, and exhibitions. Such application shall be in writing, addressed to the commission, and verified by the applicant or, if the applicant is a club, association, organization, or corporation, by some officer thereof. The application shall contain a recital of such facts as may be specified by the commission in order for it to determine if the applicant possesses the necessary physical, mental, moral, and financial qualifications to entitle such applicant to be issued a license. When, in the discretion of the commission, an applicant does not possess the necessary qualifications to entitle him to a license, the commission may refuse such applicant a license.

(2) No boxing, sparring, or wrestling contest, match, or exhibition, except where all contestants are amateurs and no admission is charged to witness the same, shall be conducted, held, or given by anyone not possessing a license issued by the commission, and a violation of any provision of this section is unlawful and shall be punished as provided in section 12-10-123.

**Source:** L. 47, p. 306, § 5; CSA, C. 24, § 21; CRS 53, § 129-1-5; C.R.S. 1963, § 129-1-5.

**Cross reference.** As to the penalty for holding a boxing or wrestling match without a license, see § 12-10-123.

**Am. Jur.** See 4 Am. Jur.2d, Amusements and Exhibitions, § § 29-34.

**C.J.S.** See 86 C.J.S., Theatres and Shows, § § 17, 22, 23.

**12-10-107. License as participants.** (1) Any individual may make application to the commission for a license to act as referee, matchmaker, manager, timekeeper, second, trainer, or professional boxer or wrestler to participate, either directly or indirectly, in any professional and amateur boxing, sparring, and wrestling contest, match, and exhibition. Such application shall be addressed to the commission in writing in the form designated by the rules and regulations of the commission to enable it to determine whether the applicant possesses the necessary physical, mental, and moral qualifications to entitle him to be granted a license.

(2) The commission may refuse a license to any applicant who, in the opinion of the commission, does not possess the required qualifications. Every applicant to whom a license may issue, for a period of one year from the date of such issuance, and annually thereafter as such license may be renewed, shall pay to the state a license fee as follows: Referee, ten dollars; matchmaker, ten dollars; manager, ten dollars; timekeeper, five dollars; second, five dollars; and professional boxer or wrestler, five dollars. No license fee shall be required for a license to be issued a trainer when the applicant, in the opinion of the commission, is otherwise qualified.

(3) Any license to act as referee, matchmaker, manager, timekeeper, second, trainer, or professional boxer or wrestler may be suspended or revoked by the commission when it is the opinion of the commission that the holding of such license is detrimental to boxing or wrestling in the state of Colorado.

(4) For the purpose of this article, a professional boxer or wrestler is

deemed to be one who competes for money or pecuniary gain, teaches, pursues, or assists in the practice of boxing or wrestling as a means of obtaining a livelihood or pecuniary gain.

(5) No boxing or wrestling contest, match, or exhibition, except as expressly excluded by this article, shall be conducted, held, or given unless all the parties participating, as designated in this article, are licensed by the commission, and it is unlawful for any person to participate in such boxing or wrestling contest, match, or exhibition in any capacity designated in this article unless he is licensed.

**Source:** L. 47, p. 306, § 5; CSA, C. 24, § 21; CRS 53, § 129-1-8; C.R.S. 1963, § 129-1-8.

**Cross reference.** As to the rule-making and licensing procedures of state agencies, see § § 24-4-101 through 24-4-107.

**12-10-108. Licenses and contests may be limited.** The commission may limit the number of licenses to be issued for any purpose as specified in this article and may limit the number of professional boxing, sparring, and wrestling contests, matches, and exhibitions to be conducted, held, or given in any city, town, village, community, or other political subdivision of the state of Colorado.

**Source:** L. 47, p. 311, § 10; CSA, C. 24, § 26; CRS 53, § 129-1-15; C.R.S. 1963, § 129-1-15.

**12-10-109. Term and renewal - fees - bond.** (1) Such license entitles the holder thereof to operate for a period of one year from the issuance date of the license and, at the expiration of that time, to renew for a further period of one year, and subsequently renew for annual periods upon the renewal date, unless it appears to the commission that the license holder has become unfit to possess such license, and in that event the commissioner may deny a renewal application.

(2) The annual license and renewal fee for professional boxing, sparring, and wrestling contests, matches, and exhibitions shall be, respectively, twenty-five dollars in cities of not more than fifteen thousand inhabitants, seventy-five dollars in cities of not more than one hundred thousand inhabitants, and five hundred dollars in cities of more than one hundred thousand inhabitants. The annual license and renewal fee for amateur boxing, sparring, and wrestling contests, matches, and exhibitions shall be, respectively, twenty-five dollars in cities of not more than fifteen thousand inhabitants, seventy-five dollars in cities of not more than one hundred thousand inhabitants, and two hundred dollars in cities of more than one hundred thousand inhabitants.

(3) Before any license is issued as provided in this section, the applicant therefor shall file with the commission a bond of five hundred dollars with good and sufficient surety payable to the people of the state of Colorado, conditioned upon the faithful performance by the licensee of the provisions of this article and the payment of the taxes specified in section 12-10-112. In the event of nonperformance of such provisions and conditions, the commission may impose upon the license holder a penalty not to exceed the

sum of five hundred dollars for each offense which may be recovered from the bond of the licensee by the attorney general in the name of the people of the state of Colorado and paid into the general fund, and, in its discretion, the commission may suspend or revoke the license of such license holder.

**Source:** L. 47, p. 306, § 5; CSA, C. 24, § 21; CRS 53, § 129-1-7; L. 57, p. 766, § 2; C.R.S. 1963, § 129-1-7.

**Cross reference.** As to the issuance of tickets and payment of taxes, see § 12-10-112.

**12-10-110. Transfer of license - penalty.** No holder of a license to conduct, hold, and give professional and amateur boxing, sparring, and wrestling contests, matches, and exhibitions shall rent, sell, or give the use of such license to any individual, partnership, club, association, organization, or corporation not possessing a license to enable the latter to conduct, hold, or give a professional or amateur boxing, sparring, or wrestling contest, match, or exhibition. Violation of this section shall cause the license of the holder thereof to be suspended or revoked in the discretion of the commission.

**Source:** L. 47, p. 306, § 5; CSA, C. 24, § 21; CRS 53, § 129-1-6; C.R.S. 1963, § 129-1-6.

**12-10-111. Revocation and suspension.** The commission, in its discretion, may suspend or revoke the license of any holder thereof for good cause shown after due notice to the licensee of the date, time, and place of hearing, at which hearing the licensee may be present and represented by counsel if he so desires and may present the testimony of witnesses and other evidence in his own behalf.

**Source:** L. 47, p. 306, § 5; CSA, C. 24, § 21; CRS 53, § 129-1-9; C.R.S. 1963, § 129-1-9.

**Am. Jur. See 4 Am. Jur.2d. Amusements and Exhibitions, § 30.**

**12-10-112. Tickets - tax.** (1) Every individual, partnership, club, association, organization, or corporation which conducts, holds, or gives any boxing, sparring, or wrestling contest, match, or exhibition or showing thereof by closed circuit television broadcast for which an admission fee is charged and received shall furnish to the commission within three days thereafter a written and verified report showing the number of tickets sold for such contest, match, exhibition, or showing by closed circuit television broadcast and the amount of the gross and net receipts or proceeds thereof and such other information as the commission may prescribe; and such individual, partnership, club, association, organization, or corporation shall also pay, within the period of time, to the state a tax of five percent of the total gross receipts or proceeds from the sale of tickets for such contest, match, exhibition, or showing by closed circuit television broadcast, excluding, however, any federal taxes which may be due thereon. The commission shall administer the provisions of this article and determine the amount of tax due. Each ticket of admission to any such boxing, sparring, or wrestling contest, match, or

exhibition or showing thereof by closed circuit television broadcast shall have printed clearly on the face thereof the purchase price of the same, and no such ticket shall be sold for more than the price printed thereon.

(2) No tax shall be levied or collected under the provisions of this article from any proceeds or receipts of any boxing, sparring, or wrestling contest, match, or exhibition where all the proceeds or receipts or the net proceeds or receipts thereof inure exclusively to the benefit of any post, camp, chapter, or other subdivision of the united Spanish war veterans, the veterans of foreign wars of the United States, the American legion, the disabled American veterans of world wars I and II, united service organization, civilian military hospitality association, navy relief society, and any other similar organization operated solely for the purpose of providing, furnishing, or conducting recreation and recreational facilities for the benefit of persons in active military service and persons disabled as a result of military service and not for the benefit of any individual member thereof.

**Source:** L. 47, p. 310, § 8; CSA, C. 24, § 24; CRS 53, § 129-1-13; C.R.S. 1963, § 129-1-13; L. 73, p. 1356, § 1.

A voluntary private corporation, though it is organized to promote a worthy charity, is not in a position to be heard to say that the fee prescribed under this section is excessive, or that the statute itself is discriminatory and puts into one class certain ex-service men and ex-service men's associations, and into another class equally worthy persons or asso-

ciations, and withholds from the latter the privilege to conduct boxing exhibitions upon the same or equally favorable terms as are granted to the privileged or first mentioned class. *Antlers Athletic Ass'n v. Hartung*, 85 Colo. 125, 274 P. 831 (1928) (decided prior to earliest source).

**12-10-113. Receipts - appropriation.** All moneys collected under this article, including such moneys as may be collected as taxes, shall be transmitted to the state treasurer, and expenditures for the enforcement of this article and the purposes, needs, and maintenance of the commission and payment of the salaries of officers and employees thereof shall be appropriated by the general assembly out of the general fund. The expenditures of the commission shall be paid from the funds so appropriated by warrant of the state controller on vouchers of the commission.

**Source:** L. 47, p. 310, § 9; CSA, C. 24, § 25; CRS 53, § 129-1-14; C.R.S. 1963, § 129-1-14; L. 73, p. 1377, § 42.

**12-10-114. Licensed physician in attendance.** It is the duty of every individual, partnership, club, association, organization, or corporation holding a license to conduct, hold, and give professional and amateur boxing, sparring, and wrestling contests, matches, and exhibitions at its own expense, to have in attendance at every such contest, match, or exhibition a licensed Colorado physician, appointed and licensed by the commission, who has had not less than three years of medical practice, whose duty it is to examine and observe the physical condition of all boxers and wrestlers participating in such contest, match, or exhibition. Before such boxers and wrestlers engage in any contest, match, or exhibition, such physician shall advise the commission in regard to said contestants' physical condition and shall certify in writing as to the contestants' physical ability and fitness, and a report of such medical examination shall be filed with the commission or its designated representative prior to the contest, match, or exhibition.

**Source:** L. 47, p. 306, § 5; CSA, C. 24, § 21; CRS 53, § 129-1-10; C.R.S. 1963, § 129-1-10.



**12-10-115. Building safety requirements.** All buildings used for professional or amateur boxing, sparring, or wrestling contests, matches, or exhibitions shall be adequately ventilated, have sufficient seating capacity, have ample fire exits and fire escapes, open at all times to the public during any contest, match, or exhibition, and conform to the laws, ordinances, and regulations pertaining to buildings in the city, town, village, or community where situated. No contest, match, or exhibition shall be held in any building used for religious services except as specifically designated in section 12-10-116. Any violation of this section is unlawful and shall be punished as provided in section 12-10-123.

**Source:** L. 47, p. 308, § 6; CSA, C. 24, § 22; CRS 53, § 129-1-11; C.R.S. 1963, § 129-1-11.

**Cross reference.** As to the penalty for violating building safety requirements, see § 12-10-123.

**Am; Jur.** See 4 Am. Jur.2d, Amusements and Exhibitions, § 58.

**12-10-116. Amateur contests, matches, or exhibitions.** (1) None of the provisions of this article apply to any university, college, school, or other institution of learning when any amateur boxing, sparring, or wrestling contests, matches, or exhibitions are conducted, held, or given by such university, college, school, or other institution of learning within any building or upon any premises owned, occupied, or used by such university, college, school, or other institution of learning if all contestants at any such contest, match, or exhibition are all bona fide students of any university, college, school, or other institution of learning which may be conducting or competing in any such contest, match, or exhibition.

(2) Any church or other religious organization may conduct, hold, or give any amateur boxing, sparring, and wrestling contests, matches, and exhibitions within any building or upon any premises owned, occupied, or used by such church or religious organization, and none of the provisions of this article shall apply thereto.

(3) All other amateur boxing, sparring, or wrestling contests, matches, and exhibitions for which an admission fee is charged and received shall be subject to all the provisions of this article and any rules and regulations adopted pursuant to the same. Any other amateur boxing, sparring, and wrestling contests, matches, and exhibitions for which no admission fee is charged or received are fully under the control and jurisdiction of the commission and any rules and regulations it may adopt for the conduct of such contests, matches, or exhibitions. No taxes shall be collected or license or other fees required to be paid for the conduct of such wholly amateur contests, matches, and exhibitions for which no admission fee is charged or received.

(4) Amateur contests, matches, and exhibitions, within the meaning of this section, include only such contests, matches, and exhibitions in which the participants are bona fide amateurs who have never, prior to any such amateur contest, match, or exhibition, participated in any professional contest, match, or exhibition or for money or pecuniary gain. At such amateur

contests, matches, and exhibitions, none of the contestants shall receive any purse, prize, reward, or compensation; except that watches, medals, articles of jewelry, silverware, trophies, ornaments, or other merchandise, suitably inscribed to show that such are given for participation in an amateur contest, match, or exhibition, may be given. The value of any such article given to any contestant must not exceed the sum of thirty-five dollars. No other or additional prize, reward, or remuneration shall be given or awarded to any contestant unless authorized in writing by the commission.

**Source:** L. 47, p. 311, § 13; CSA, C. 24, § 29; CRS 53, § 129-1-18; C.R.S. 1963, § 129-1-18.

**12-10-117. Number of rounds - equipment.** (1) No boxing or sparring contest, match, or exhibition shall be more than fifteen rounds in duration, such rounds to be not more than three minutes in length, and there shall be a one-minute rest between each round. The commission may limit the number of rounds of any boxing or sparring contest, match, or exhibition within the maximum of fifteen rounds.

(2) The several classes, according to weights, of all contestants in any amateur or professional boxing or sparring contest, match, or exhibition shall be designated by regulations adopted by the commission.

(3) The commission shall designate the number of rounds for the conduct of any professional championship contest in any of the weight classes, and such championship contest shall not be less than twelve nor more than fifteen rounds in duration.

(4) The commission shall designate by rules and regulations the weight and type of gloves and any other equipment to be used by contestants in any boxing or sparring contests, matches, and exhibitions.

**Source:** L. 47, p. 312, § 14; CSA, C. 24, § 30; CRS 53, § 129-1-19; C.R.S. 1963, § 129-1-19.

**12-10-118. Referees and judges - seconds.** (1) Every boxing, sparring, and wrestling contest, match, and exhibition shall be under the personal control of a referee duly licensed by the commission. Before the commencement of any such contest, the referee shall ascertain the name of every contestant's chief second and shall hold such chief second responsible for the conduct of his assistant seconds during the progress of the contest. There shall be in attendance at every such contest, match, or exhibition two judges appointed by the commission who, at the termination of every contest, match, or exhibition, shall render their decision, and if the judges are unable to agree, the decision shall be rendered by the referee.

(2) The referee shall stop every contest, match, or exhibition when any contestant shows a marked superiority or is apparently outclassed so as to render the contest, match, or exhibition not a fair, sportsmanlike, and scientific encounter between the contestants. The referee shall stop any contest, match, or exhibition in which, in his discretion, either or both of the contestants are not honestly competing or are indulging in sham or collusive tactics and shall recommend to the commission such disciplinary action as he thinks justified. The commission may take any action against such contestants as it considers justified in accordance with the provisions of this article and the rules and regulations adopted pursuant thereto.

**Source:** L. 47, p. 313, § 15; CSA, C. 24, § 31; CRS 53, § 129-1-20; C.R.S. 1963, § 129-1-20.

**12-10-119. Age of participants.** No person under the age of eighteen years shall participate as a contestant in any professional boxing, sparring, or wrestling contest, match, or exhibition, and no person under the age of sixteen years shall participate as a contestant in any amateur boxing, sparring, or wrestling contest, match, or exhibition.

**Source:** L. 47, p. 313, § 16; CSA, C. 24, § 32; CRS 53, § 129-1-21; C.R.S. 1963, § 129-1-21.

**12-10-120. Wrestling.** The provisions of this article shall apply to all wrestling contests, matches, and exhibitions; except that the commission, by rules and regulations, shall prescribe the length or duration of such contests, matches, and exhibitions, the manner in which contestants shall engage in such contests, matches, and exhibitions, and such further safeguards, provisions, and conditions as shall insure the safety and well-being of contestants and the fair, sportsmanlike, and scientific conduct of wrestling contests, matches, and exhibitions.

**Source:** L. 47, p. 313, § 17; CSA, C. 24, § 33; CRS 53, § 129-1-22; C.R.S. 1963, § 129-1-22.

**Am. Jur. See 4 Am. Jur.2d. Amusements and Exhibitions, § 26.**

**C.J.S. See 86 C.J.S.. Theatres and Shows, § 3.**

**12-10-121. Sundays excluded.** No boxing, sparring, and wrestling contests, matches, and exhibitions for prizes or purses or where an admission fee is charged and received shall be allowed on any Sunday.

**Source:** L. 47, p. 311, § 14; CSA, C. 24, § 27; CRS 53, § 129-1-16; C.R.S. 1963, § 129-1-16.

**12-10-122. Sham or collusive matches.** (1) Any individual, partnership, club, association, organization, or corporation who possesses a license to conduct, hold, and give professional boxing, sparring, and wrestling contests, matches, and exhibitions and who conducts, holds, gives, or participates in any sham, fake, or collusive contest, match, or exhibition shall have his or its license suspended or revoked after due notice and hearing before the commission, at which hearing the licensee may be present and represented by counsel and may present testimony of witnesses and other evidence, and in its discretion the commission may impose upon such license holder a penalty not to exceed the sum of five hundred dollars for such offense, payable from the bond of the licensee, which may be recovered by the attorney general in the name of the people of the state of Colorado and paid into the general fund.

(2) Any professional boxer or wrestler who participates in any sham, fake, or collusive contest, match, or exhibition or conducts himself in such a way as to be a detriment to boxing or wrestling in which he participates at any contest, match, or exhibition shall have his license suspended or revoked, and, in the discretion of the commission, his share of the purse

or receipts or any part thereof may be declared a forfeit by the commission and such forfeited purse or receipts shall be paid into the general fund. No such suspension or revocation of license or forfeiture of purse or receipts may be declared by the commission until after due notice and hearing before the commission, at which hearing the license holder may be present and represented by counsel and may present testimony of witnesses and other evidence.

(3) Any referee, matchmaker, manager, timekeeper, second, or trainer who participates in or is a party to any sham, fake, or collusive boxing or wrestling contest, match, or exhibition shall have his license suspended or revoked by the commission after due notice and hearing at which the licensee may be present and represented by counsel and may present testimony of witnesses and other evidence.

Source: L. 47, p. 309, § 7; CSA, C. 24, § 23; CRS 53, § 129-1-12; C.R.S. 1963, § 129-1-12.

12-10-123. Penalty. Any violations of this article or any portion thereof, for which a penalty is not specifically provided in this article, is a misdemeanor, and any individual, partnership, club, association, organization, or corporation found guilty thereof shall be punished by a fine of not more than one thousand dollars, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.

Source: L. 47, p. 314, § 18; CSA, C. 24, § 34; CRS 53, § 129-1-23; C.R.S. 1963, § 129-1-23.

APPENDIX C

SYNOPSIS OF NEW RULES AND REGULATIONS OF THE STATE ATHLETIC  
COMMISSION OF COLORADO

The majority of changes in the rules and regulations were "housecleaning" measures meant to update statutory references and to delete references to Commission "discretion" and other ambiguous language. Licensing categories of ticket seller, doormen, ushers, corporate treasurers, and box office employees were deleted as the Commission has not actively licensed those individuals.

Residency requirements were dropped, as were all discriminatory references concerning sex and the families of contestants. Term limitations on contracts were also deleted. References to the dollar limitations for prizes for amateurs were replaced with general guidelines.

Qualification standards were developed for the licensing categories of referee and judge, and the conditions for revocation and suspension were detailed more thoroughly. However, qualification standards for other licensing categories for officials (deputy commissioners, announcers, physicians, timekeepers) were not developed.

Provisions were adopted for the holding of regularly scheduled Commission meetings (quarterly) as were provisions for holding one quarter of all meetings outside the Denver metropolitan area.

Qualification standards for promoters have been revised to include supporting data required by the Commission.

DEPARTMENT OF REGULATORY AGENCIES

100 STATE SERVICES BUILDING • 1525 SHERMAN STREET  
DENVER COLORADO 80203 • TELEPHONE 303 892-3304

RAUL N. RODRIGUEZ  
EXECUTIVE DIRECTOR

STATE OF COLORADO  
EDWARD D. LAMM  
GOVERNOR

January 12, 1976

DEPARTMENTAL AUDITOR'S COMMENTS ON THE ATHLETIC COMMISSION'S  
RECORDKEEPING PROCEDURES, EXECUTIVE DIRECTOR'S MEMORANDUM,  
COMMISSION RESPONSE.

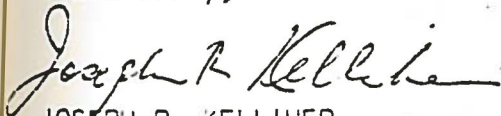
Raul N. Rodriguez  
Executive Director  
Department of Regulatory Agencies  
100 State Services Building  
Denver, CO 80203

Dear Mr. Rodriguez:

I have examined the system of internal control and operating procedures pertaining to cash receipts, deposits, expenditures, capital assets, payroll, and sick and annual leave for the year ended June 30, 1975 for the Colorado State Athletic Commission. The degree of compliance with applicable statutes was determined for the same period. The examination was made in accordance with generally accepted auditing standards, and accordingly included such tests of the accounting records and such other auditing procedures considered necessary in the circumstances.

In my opinion, the system of internal control is in need of improvement in several areas. As is noted in Auditor's Comments, attached, the statute is not being adhered to in some cases. Three recommendations made by the state auditor in a report issued for the year ended June 30, 1971 were not followed.

Yours truly,



JOSEPH R. KELLIHER  
Departmental Auditor

JRK/vj

cc: Mr. Eddie Bohn  
Mr. Ralph Blossom ✓  
Mrs. Marie McKelvy  
DORA Accounting

AUDITOR'S COMMENTS

State Athletic Commission  
Year Ended June 30, 1975

1. COMMENT: There are several items on the State Athletic Commission inventory audit listing which are being used by other organizations. This fact was pointed out in a report issued by the state auditor's office in 1971.

RECOMMENDATION: Items considered excess to the commission's needs should be transferred to using organizations.
2. COMMENT: 12-10-112, Colorado Revised Statutes, 1973 requires that sponsors of boxing and wrestling matches furnish the state a report showing the number of tickets sold and a check for the state tax (five percent of total gross receipts) within three days following the event. In many instances this was not done. There were delays of from four to fourteen days from the date of an event to receipt of state taxes by the state. The same situation prevailed in 1971 and was pointed out at that time in a report issued by the state auditor's office.

RECOMMENDATION: Promoters should be made aware of the provisions of the statute and an attempt should be made by the commission to attain the taxes owed the state within the 72 hour time frame.
3. COMMENT: In some cases, wages subject to tax were not reported to either the federal or state governments. This discrepancy was pointed out in a report issued by the state auditor's office in 1971.

RECOMMENDATION: All wages subject to tax should be reported to the Internal Revenue Service and the State Department of Revenue on the appropriate forms.
4. COMMENT: There is no account on the Agency Budget Ledger to reflect promoters' license fees. They were shown either in the Miscellaneous Fees account or Gate Tax Fees account.

RECOMMENDATION: In view of the rather substantial amounts of promoters license fees, sometimes as high as \$500, I feel an account should be set up to reflect these fees.
5. COMMENT: Licenses issued to boxers, wrestlers, referees, etc. are two-part forms. The original is issued to the licensee and the duplicate becomes part of the commission's files. In many cases, the commission copy of licenses issued is

not in file, thus making it impossible to account for licenses. In addition, while the licenses which are on file are filed alphabetically by the 26 letters of the alphabet, they are not filed alphabetically within each letter.

RECOMMENDATION: Commission copies of all licenses should be retained in the commission files. They should be filed alphabetically to facilitate the search process.

6. COMMENT: Application forms are not properly filed. License numbers are not recorded on the application forms.

RECOMMENDATION: A file should be established for license application forms and license numbers should be recorded thereon.

7. COMMENT: 1975-1976 dues for membership in the North American Boxing Federation were paid with 1974-1975 funds.

RECOMMENDATION: In the future, dues of this type should be paid with funds appropriated for the year which coincides with the membership year.

8. COMMENT: Gate tax fees of \$490.82 were received in May 1975 and were not deposited until September 1975.

RECOMMENDATION: Fees received by the commission should be deposited with the state treasurer as soon after receipt as possible.

9. COMMENT: The files are poorly maintained. They contain old material which should be disposed of.

RECOMMENDATION: The Commission files should be updated and materials not needed should be disposed of.

10. COMMENT: License numbers are not shown on receipts for license fees.

RECOMMENDATION: In the interest of improving internal control, license numbers should be shown on receipts accomplished when license fees are paid.





DEPARTMENT OF REGULATORY AGENCIES

100 STATE SERVICES BUILDING • 1525 SHERMAN STREET  
DENVER, COLORADO 80203 • TELEPHONE 303/892-3304

OF COLORADO

D. LAMM

RAÚL N. RODRIGUEZ  
EXECUTIVE DIRECTOR

September 13, 1976

Mr. Eddie Bohn  
Chairman  
State Athletic Commission of Colorado  
4801 W. Colfax  
Denver, Colorado

RE: Implementations of Recommendations

Dear Mr. Bohn,

It is my understanding that a result of your recent meeting and discussion with Dan Muse, Assistant Attorney General and Linda Lazzerino, of this office, was an agreement to implement the following recommendations concerning the State Athletic Commission within thirty days.

The main office of the commission shall henceforth be located in the state capitol complex, as required by C.R.S. 1973, 12-10-101 (2). Proper records shall be kept at this office where the bulk of the commission's work shall be conducted.

The commission shall comply with the open meetings provisions of the Colorado Sunshine Law contained in C.R.S. 1973, 24-6-402. All meetings at which two or more members of the commission discuss any public business or at which any formal action is taken by the commission are public meetings and open to the public at all times. A meeting shall be held only after full and timely notice of the time, date and place of the meeting has been given to the public in accordance with provisions of the State Administrative Procedure Act.

In order to allow for more effective public input in the decision-making process the commission shall make efforts to effectuate the legislative intent expressed in C.R.S. 1973, 24-3.5-101 by holding at least one-third of its regularly scheduled meetings outside the Denver metropolitan area. These meetings shall be held in areas in which participation in boxing and wrestling is most active (e.g., Pueblo).

Because of the perceived need to make the commission more responsible to non-Denver area participants involved in commission-regulated sports, budgetary constraints shall play a relatively minor role in determining the feasibility of holding meetings outside the Denver area.

In order to effectuate the legislative intent of C.R.S. 1973, 12-10-107(1) and provide for the fair issuance of licenses, the commission shall develop standards and requirements to be considered in a determination of a particular applicant's qualifications. The commission shall develop an application form for each type of license which will provide adequate means of presenting all relevant information to the commissioner.

The commission shall make available to the public, information regarding applications for licenses to act as referees, matchmakers, managers, timekeepers, seconds, trainers, or professional boxers or wrestlers. Such information shall contain statutory and commission requirements for the proper procedures to be followed in applying for a license.

In order to ensure the fair issuance of licenses, the commission shall cause all applications for licenses to be filed in an orderly manner and shall consult applications on file as positions for licensees become available in areas where the number of licensees is limited.

In instances where the commission denies an applicant's application for a license, prompt and sufficient written notice of the denial of the application and the grounds therefore shall be served on the applicant, in accordance with the provisions of C.R.S. 1973, 24-4-104.

In instances where the commission suspends, revokes, limits, modifies or annuls a previously issued license, the commission shall comply with the requirements of C.R.S. 1973, 24-4-104 and 105.

De facto suspension of licenses is prohibited. In 1947, Judge Steele determined that the commission by its actions made useless licenses it had issued without the filing of charges or the holding of hearings.

When the commission exercises its authority under C.R.S. 1973, 12-10-108 to limit the number of licenses issued or contests authorized, it must state the grounds for such limitation and such action shall only be valid if it is reasonably necessary to effectuate the purposes for which the commission is established.

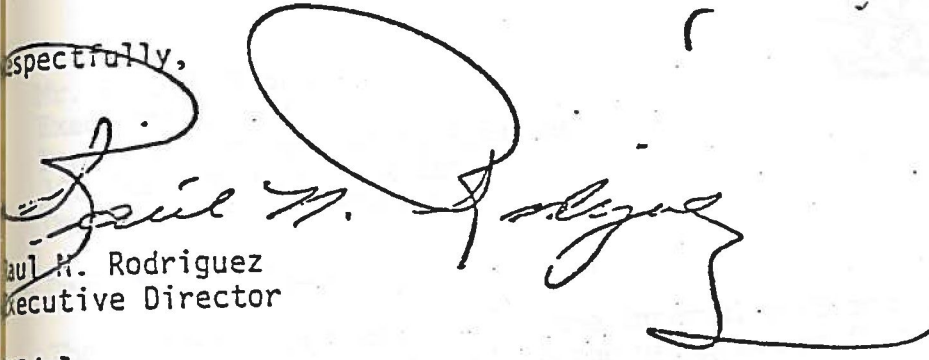
The members of the commission shall make a concerted effort to conduct themselves in a manner befitting public officers. In order to adequately protect the public, the commission must be responsive to public input from all areas and must establish a working relationship with various interested groups.

Whenever possible, the commission shall attempt to assign licensed officials from the area in which a contest is to be held to preside at the contest. This will assure a fairer method of distributing benefits among licensees in various regions, save agency expenditures and benefit the community by allowing contestants to compete under the supervision of more familiar figures from their own community. Due to the community project nature of many boxing and wrestling events, this should be an important consideration.

In situations where the commission passes over a qualified licensee in a given area in favor of a licensee from another area, it shall serve written notice of its action and the grounds therefore upon the neglected licensee

have confidence that these recommendations will be put into effect within  
the time frame set forth to comply with a desire to best serve the people  
of Colorado.

Respectfully,

A large, stylized handwritten signature in black ink, appearing to read "Paul H. Rodriguez". The signature is written in a cursive style with a large, prominent loop at the beginning.

Paul H. Rodriguez  
Executive Director

PHR/s1



STATE OF COLORADO  
RICHARD D. LAMM  
GOVERNOR

May 20, 1976

Mr. Raul N. Rodriguez  
Executive Director  
Department of Regulatory Agencies  
100 State Services Building  
Denver, Colorado 80203

Dear Mr. Rodriguez:

The following is a response to the internal auditor's report dated January 12, 1976. Paragraphing conforms to the paragraphing in the Auditor's Comments section of the report.

1. Some items have been transferred to using organizations. Other items will be transferred subsequent to a major move scheduled to take place the latter part of June, 1976.
2. Promoters will be made aware of the provisions of the statute and taxes owed the state will be collected within the 72 hour time frame.
3. Wages do not have to be reported because individuals involved earned less than \$600 during the year.
4. Effective July, 1976, an account will be set up to reflect promoters' license fees.
5. Commission copies of all licenses are now retained alphabetically in the commission files.
6. A file has been established for license application forms and license numbers are recorded thereon.
7. Dues will be paid with funds appropriated for the year which coincides with the membership year.
8. Fees are now deposited immediately after receipt.
9. The files have been updated and old material has been disposed of.
10. License numbers are now shown on receipts.

Sincerely,

EDDIE BOHN  
Chairman, State Athletic Commission

DEPARTMENT OF REGULATORY AGENCIES  
**STATE ATHLETIC COMMISSION**

100 STATE SERVICES BUILDING • 1525 SHERMAN STREET  
DENVER, COLORADO 80203 • TELEPHONE 892-3304

MEMBER OF WORLD BOXING COUNCIL  
BOXING... A NATIONAL SPORT... WRESTLING



## BIBLIOGRAPHY

1. State Athletic Commission of Colorado files and records as maintained at the Department of Regulatory Agencies, 1525 Sherman Street, Denver, Colorado.
2. State Athletic Commission of Colorado Rules and Regulations. Revised April 1, 1963.
3. Management and Efficiency Task Force Report on the Department of Regulatory Agencies. May 14, 1976.
4. Colorado Revised Statutes 1973. Title 12, Chapter 10, Section 1 (also sources cited therein).
5. Report of the State Auditor, State Athletic Commission Financial Statements. Years ended June 30, 1967, 1970 and 1971.
6. Departmental Auditor's Report on the State Athletic Commission of Colorado, January 12, 1976.
7. Rule Books:
  1. Golden Gloves Guide. Edited by Stan Gallup. Golden Gloves Association of America, Incorporated, 1976.
  2. State Laws Governing Boxing and Wrestling in California. State Athletic Commission of California, 1021 O Street, Sacramento, California, January 1975.
  3. State Laws Governing Boxing and Wrestling in Nevada. Nevada Athletic Commission, 1976.
8. Attendance at Athletic Commission Meetings. Dates: In November ,1976; December 3, 1976; December 28, 1976; February 4, 1976.
9. Interviews:
  1. Eddie Bohn - Athletic Commission Chairman
  2. Sid Phillips - Athletic Commission Member
  3. Fritz Brennecke - Athletic Commission Member
  4. John Haynes - Deputy Commissioner
  5. Ralph Blossom - Deputy Commissioner
  6. Ken Walsh - Sports Department, Denver Post
  7. Harry Miller - President, National Golden Gloves
  8. Daniel Muse - State Attorney General's Office
  9. Fred Berhenke - State Attorney General's Office
  10. Joe Kelliher - Department of Regulatory Agencies - Auditor
  11. Vicki Jenings - Commission Secretary

Bibliography (continued)

12. Kelly Smith - Federal Trade Commission Attorney
13. Bill Van Sickle- Denver Jaycees
14. Jesse Mora - Colorado Coaches and Trainers Association
15. James Delgado - Applicant to the Commission
16. Sharon Hill - Colorado Civil Rights Commission

10. Telephone Interviews:

1. Gene Reed - Denver Wrestling Promotor
2. Leonard Cahn - Sports Writer - Rocky Mountain News  
(retired)
3. Bob Turley - California Athletic Commission
4. Jim Deskin - Nevada Athletic Commission
5. Dean Smith - Utah Athletic Commission
6. Vernon Woodward - Wisconsin Athletic Commission

...the ...

...the ...

...the ...

...the ...

...the ...

...the ...

...the ...

...the ...

...the ...

...the ...

...the ...

...the ...

...the ...

...the ...

...the ...

...the ...

...the ...

...the ...

...the ...

...the ...

...the ...

...the ...