

**TITLE 92. OKLAHOMA PROFESSIONAL BOXING COMMISSION
CHAPTER 1. GENERAL AGENCY RULES**

SUBCHAPTER 1. PURPOSE AND ORGANIZATION

92:1-1-1. Purpose

(a) The rules of this Chapter are adopted to simplify procedure, avoid unnecessary delays, save expenses, and facilitate the administration of the Boxing Act (3A O.S. §§ 601 *et seq.*). These rules also implement and are cumulative to the Administrative Procedures Act, 75 O.S. 1991, Section 250 *et seq.*, as amended ("APA").

(b) This chapter shall be given a fair and impartial construction.

(c) Citations herein to laws and rules shall include laws and rules amendatory thereto.

92:1-1-2. Definitions [RESERVED]

92:1-1-4. Commission officers

(a) The Commission shall elect from its membership a Chairman and a Vice-Chairman.

(b) Officers of the Commission shall be elected annually, at the last meeting of each calendar year. In the event an officer's position becomes vacant, a replacement shall be elected to complete the unexpired term at the following meeting of the Commission.

(c) The Chairman shall preside over all Commission meetings and rule on all questions of procedure and order. He shall have the power, in the exercise of his discretion, to call special meetings of the Commission, and shall call a special meeting when requested by four members, in writing, to do so. The Chairman shall determine the agenda of each meeting.

(d) The Vice-Chairman shall assume the duties of the Chairman during the Chairman's absence or incapacity.

(e) The Administrator shall be responsible for keeping the minutes of Commission meetings, and have such other duties as the Commission may designate.

92:1-1-5. Commission powers and duties

The Commission shall exercise all powers expressly or impliedly granted to it by statute.

92:1-1-6. Severability

The provisions of this Chapter are severable and the repeal, amendment, or invalidity of any provision hereof shall not serve to repeal or invalidate the remaining provisions of these rules.

SUBCHAPTER 3. MEETINGS

92:1-3-1. Meetings

The Commission shall hold such meetings, as it deems necessary, with a regular meeting once during each quarter of the calendar year. Special meetings may be called by the Chairman in his discretion, and shall be called when four (4) members of the Commission request of the Chairman, in writing, that such a meeting are called.

92:1-3-2. Location

The Commission may convene at any location within the state of Oklahoma as the Commission may specify; provided, that unless otherwise specified, meetings shall be conducted at the room provided for that purpose at the Department of Health Building, 1000 NE Tenth Street, Oklahoma City, Oklahoma.

92:1-3-3. Open Meeting Act

All meetings of the Commission shall be conducted in compliance with the applicable provisions of the Oklahoma Open Meeting Act, 25 O.S. 1991, §§ 301 et seq., and laws amendatory thereto.

92:1-3-4. Agenda

(a) The agenda of the Commission's meetings shall be determined by the Chairman, and a copy thereof sent to each member before the meeting.

(b) The agenda of the Commission's special meetings shall be determined by the Chairman, and copies thereof shall be sent to each member prior to the meeting. Only those items appearing on the agenda of such special meetings shall be considered by the Commission.

92:1-3-5. Quorum

Five (5) members of the Commission shall constitute a quorum and may transact any business or hold any hearing by a simple majority vote of the quorum.

92:1-3-6. Robert's Rules of Order

All meetings of the Commission shall be conducted in accordance with Robert's Rules of Order except as modified herein or by statute.

SUBCHAPTER 5. GENERAL COURSE AND METHOD OF OPERATIONS

92:1-5-1. Principal office

The principal office of the Oklahoma Professional Boxing Commission, Suite 1213 Department of Health Building, 1000 N.E. Tenth Street, Oklahoma City, Oklahoma 73117-1299.

92:1-5-2. Office hours

Office hours shall be from 8:00 a.m. to 4:30 p.m., unless otherwise designated by the Administrator, Monday through Friday inclusive, excepting legal holidays established by statute or proclamation of the Governor.

92:1-5-3. Exercise of powers

The Commission may exercise its official powers at any location in the State of Oklahoma.

92:1-5-4. Writing to the Commission

Every communication in writing to the Commission shall be addressed to the Administrator of the Commission at the principal office designated above.

92:1-5-5. Records

- (a) **Rules and policy.** All rules shall be available at the principal office during regular business hours.
- (b) **Proceedings and forms.** All final orders, decisions, and opinions, and all forms, applications, and instructions which are required to be completed in applying for a license or permit, shall be available within the offices of the Commission during regular business hours.
- (c) **Copies.** Copies of all official records of the Commission not privileged from disclosure by law shall be available for inspection at the principal office during regular office hours. Copies of such records, certified by the Administrator or his designee, may be made, and the expense of such copies shall be paid by the person requesting the same.

SUBCHAPTER 7. RULEMAKING PROCEDURES

92:1-7-1. Rulemaking

The Commission may adopt, amend, or repeal a rule of its own initiative, at the request of the Administrator, or upon a petition filed under the APA.

92:1-7-2. Petitions for rule making

- (a) **Form.** Any interested person may request the Commission to adopt, amendment, or repeal a rule. A request shall be in the form of a letter.
- (b) **Contents.** The letter shall state the nature of the request, the reasons for the request, and be signed by the person, firm, or corporation making the request, or his attorney.
- (c) **Form and content.** All such requests shall be in writing, and be filed with the Administrator at the principal office. The requests shall state, clearly and concisely, all matters pertaining to the requested action and the reasons for the request.
- (d) **Consideration of requests.** Requests concerning rules will be considered by the Commission at its next regularly scheduled meeting or at a special meeting. The Commission may, in its discretion, postpone the discussion and ruling on the request until the next regular or special meeting and shall notify all parties of such postponement. Upon hearing the requests, the Commission will notify the requester whether the Commission will consider rule-making action.

92:1-7-3. Rulemaking hearings

- (a) The Administrator may conduct hearings on proposed rules, amendments to or repeal of rule, and shall conduct such hearings when so directed by the Commission.
- (b) **Location of hearings.** Unless otherwise specified, and stated in the notice of hearing, all hearings shall be conducted in the offices of the Commission.
- (c) **Interested persons.** Any person who is interested or affected by a proposed action may appear at the hearing. An appearance may be made individually, or by an attorney.

92:1-7-4. Opportunity to submit data, views and arguments

Prior to the adoption, amendment, or repeal of a rule, the Commission shall afford any interested person a reasonable opportunity to submit data, views, and arguments, either oral or written, concerning such proposed action.

92:1-7-5. Emergency rules

The Commission may adopt an emergency rule without adherence to the above rules concerning notice and hearing. All emergency rules, however, must be adopted in accord with the Administrative Procedures Act, and shall be effective as specified in the Act.

SUBCHAPTER 9. PROCEDURE IN INDIVIDUAL PROCEEDINGS

92:1-9-1. Purpose

This Subchapter governs formal proceedings of the Commission.

92:1-9-2. Petition

Individual proceedings may be initiated by filing a petition. Each petition shall name the Respondent and shall contain a reference to the statutes and rules involved, a brief statement of the facts giving a right to relief and the relief requested.

92:1-9-3. Notice of hearing

The Administrative Law Judge shall schedule the date, time and place of the hearing. The hearing clerk shall notify both parties. The hearing shall be scheduled at least fifteen (15) days after the date of service of the petition. Both parties may agree to an earlier date. If a specific law requires a hearing in fewer days, that statute shall be followed. If an emergency exists, a hearing may be conducted without the filing of a petition and without the fifteen (15) day notice.

92:1-9-4. Service of petition and notice of hearing

(a) **Service.** The Petition and notice of hearing shall be served on the Respondent by personal service or by mail.

(b) **Personal service.** Personal service of the petition and the notice of hearing upon an individual shall be made by delivering the Petition personally on the Respondent or by leaving a copy of the Petition at the individual's dwelling place or the usual place of abode with some person residing therein who is fifteen (15) years of age or older.

(c) **Commission as petitioner.** Where the Commission is the petitioner, personal service of the petition and notice of hearing may be made by a person designated by the Commission to make such service for the Commission.

(d) **Service by mail.** Service of the petition and the notice of hearing may be made by certified mail, return receipt requested, restricted delivery.

(e) **Proof of Service.** The person serving the petition and the notice of hearing shall file proof of service with the hearing clerk within twenty (20) days of service or before the date of the hearing whichever is sooner. Acknowledgement in writing by the Respondent or appearing at the hearing without objection to service is equivalent to service.

(f) **Substitute service.** Substitute service in a matter against a licensee may be completed after personal and mail service are attempted with the filing of an affirmation of the attempted service and that the petition and notice of hearing were mailed first class mail to the last known address of the licensee.

92:1-9-5. Service of other papers and documents

Service of all other documents and papers connected with an individual proceeding shall be served on the parties or their counsel by delivering a copy or mailing a copy by regular mail.

92:1-9-6. Response

A Respondent shall file a responsive pleading to the petition or order that initiated the action.

92:1-9-7. Prehearing conference

A prehearing conference may be ordered and scheduled by the Commission on its own motion or upon the request of any party and shall be similar to those for pretrial proceedings in the district courts.

92:1-9-8. Continuances

Motions for extensions of time or for a continuance of the hearing to another date or time shall be in writing and filed with the Administrator with a copy to the parties. A motion for an extension or continuance shall state the reasons for the request and specify the length of time requested. The Administrator shall act upon such motion promptly and shall grant or deny such request at his discretion. If the motion is denied, it may be renewed orally by the party at the hearing before the Commission.

92:1-9-9. Subpoenas

(a) **Issuance.** Subpoenas for the attendance of witnesses, the furnishing of information and the production of evidence shall be issued by the Administrator upon request by a party. Attorney filing a formal request for the issuance of subpoenas shall not be required. Subpoenas shall be served and a return made in the same manner as provided for state court proceedings.

(b) **Failure to obey.** The Commission may seek an appropriate judicial proceeding to compel compliance by persons who fail to obey a subpoena, who refuse to be sworn or make an affirmation at a hearing or who refuse to answer a proper question during a hearing. The hearing shall proceed despite any such refusal but the Commission may, in its discretion at any time, continue the proceedings as necessary to secure a court ruling.

(c) **Motions to quash.** Motions to quash subpoenas may be filed with the Administrator and will be ruled on by the Commission.

92:1-9-10. Record

(a) **Record to be made.** A record of individual proceedings shall be made, including a tape recording or recording by a certified shorthand reporter of evidentiary proceedings. The recording will not be transcribed as a matter of course. A transcript may be obtained by submitting a written request and tendering payment in an amount sufficient to pay the cost of having the recording transcribed.

(b) **Court reporter.** A party may request a court reporter (CSR or LSR). The requesting party shall pay the costs, including the cost of providing the Commission with an original transcript for the record. The party requesting copies shall arrange for such with the reporter, and pay the costs. However, the official record shall be the audiotape of the Commission.

(c) **Maintained.** The record of a proceeding and the file containing the notices and the pleadings will be maintained in a location designated by the Administrator. All pleadings, motions, orders and other papers submitted for filing in such a proceeding shall be date/file-stamped by the Administrator upon receipt. The burden of showing substantial prejudice by any failure to correctly file-stamp any submittal shall be upon the party asserting such.

(d) **Designation on appeal.** On appeal, the parties may designate and counter-designate portions of the record to save costs, following the procedures applicable in the courts of Oklahoma.

92:1-9-11. Administrative Law Judge

The Commission may appoint an Administrative Law Judge to advise it during a hearing. The person appointed shall be a member of the Oklahoma Bar Association, shall serve as legal advisor to the Commission on individual proceeding, and shall prepare written orders documenting the actions of the Commission.

92:1-9-12. Order of procedure

(a) **Generally that of civil proceedings.** The order of procedure in hearings in all individual proceedings shall generally follow that which applies in civil proceedings at law. Each party may make a brief opening statement; present witnesses, documents and exhibits on its behalf; cross-examine adverse witnesses; and make closing arguments. The rules of evidence shall be those specified by the APA. At the discretion of the Commission, any party may reopen the case in chief, even after the adverse party has rested. Parties may stipulate to any lawful matter.

(b) **Matters not described.** Any matter of practice or procedure not specified either by the APA or by these rules will be guided by practice or procedure followed in the district courts of this state.

(c) **Rulings.** The Commission shall rule on the admissibility of evidence and objections to evidence, on motions or objections raised during hearings, and may rely on the advice of the Administrative Law Judge. Any party may object to a ruling considered erroneous. All objections shall be made promptly or be deemed waived. Parties shall be deemed to have taken exception to any adverse ruling.

(d) **Briefs.** The Commission may require the parties to submit briefs or proposed findings and conclusions before ruling on the matter at issue, specify the time of filing and shall rule on such proposed findings.

(e) **Findings and conclusions.** The Commission shall hear all evidence and arguments applicable in a case and shall prepare Findings of Fact and Conclusions of Law as part of the final order.

92:1-9-13. Default

Any Respondent or other person who fails to appear as directed, after receipt of notice as provided by these rules, may be determined to have waived the right to appear and present a defense to the allegations contained in the notice and/or petition. A final order in such proceeding may be issued by the Commission granting by default the relief prayed for in the petition.

92:1-9-14. Final Order

(a) **Hearing.** If a proposed order has been filed, the Commission shall review all exceptions and briefs before rendering an order. The Commissioner may adopt, amend, or reject any proposed findings or conclusions.

(b) **Issuance.** At the conclusion of the proceedings and except as provided in Section 92:1-9-11 after review of the record and/or proposed Findings of Fact and Conclusions of Law, the Commission shall issue a Final Order reflecting the findings of fact made, the conclusions of law reached, and specifying the action to be taken.

(c) **Notice.** The Administrator shall notify the parties either personally or by mail of the issuance of an order by the Administrator. A copy of the order shall be provided to any party and its attorney.

92:1-9-15. Reconsideration

Any party may petition for rehearing, reopening or reconsideration of any decision in an individual proceeding within ten days of its entry, pursuant to APA § 317. Nothing shall prevent reconsideration of a matter in accordance with other statutory provisions.

92:1-9-16. Settlement

Unless precluded by law, individual proceedings may be resolved by agreed settlement or consent order, with the concurrence of the Commission.

92:1-9-17. Enforcement of final orders

The Commission may apply for judicial enforcement of Final Orders.