

BEFORE THE GEORGIA ATHLETIC AND ENTERTAINMENT COMMISSION
STATE OF GEORGIA

IN THE MATTER OF:)

SHANNON BRIGGS,)

Respondent.)

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JUN 03 2014

SECRETARY OF STATE
MAIL SERVICES

FINAL DECISION

A hearing in the above-styled matter was conducted on May 22, 2014, the Georgia Athletic & Entertainment Commission (hereinafter "Commission"). The Commission was represented by Reagan Dean, Senior Attorney General. The Respondent failed to appear after notice of the hearing and no one appeared on Respondent's behalf.

FINDINGS OF FACT

1.

Respondent is a professional boxer and sought to obtain approval for licensure to participate in a professional boxing match in the State of Georgia.

2.

Respondent is over the age of thirty-seven (37) years and sought to fight a professional boxing match with Route 30 Promotions on Sunday, February 23, 2014.

3.

Respondent failed to timely submit all documentation necessary for the Commission to approve licensure of him for the boxing match prior to its monthly meeting on February 20, 2014, and failed to appear before the Commission at that meeting.

4.

Despite the Commission's denial of approval of licensure for Respondent to participate, Respondent was not informed by the promoter of the boxing match, Route 30 Promotions, of that denial. Respondent appeared for weigh-in required for fighters participating in the event.

5.

Respondent learned of the Commission's denial from Commission officials during his appearance for the weigh-in. Thereupon, Respondent subjected the officials to verbal abuse, harassment, intimidation, curses, angry and loud objections and complaints, and requests and attempts to have them allow the fight despite Commission denials. Due to concern for the officials' safety, arrangements were made to have security personnel accompany one or more of the officials during the event.

CONCLUSIONS OF LAW

O.C.G.A. § 43-4B-4 provides, in part:

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

(b) The commission shall have the sole jurisdiction to license the promotion or holding of each professional match, contest, or exhibition of boxing promoted or held within this state.

(c) The commission shall have the sole jurisdiction to license participants in any professional match, contest, or exhibition of boxing held in this state.

(d) The commission has the authority to direct, manage, control, and supervise all professional matches, contests, or exhibitions of boxing. It may adopt bylaws for its own management and promulgate and enforce rules and regulations consistent with this chapter.

(g) The commission or any agent duly designated by the commission may make investigations. The commission may hold hearings; issue subpoenas to compel the attendance of witnesses and the production of books, papers, and records; and administer oaths to and examine any witnesses for the purpose of determining any question coming before it under this chapter or under the rules and regulations adopted pursuant to this chapter. During an investigation of any allegation which, if proven, would result in criminal or civil sanctions as provided in this chapter, the commission may withhold all or a portion of the gross receipts to which the person under investigation is entitled until such time as the matter has been resolved.

O.C.G.A. § 43-4B-7 provides, in part:

The commission shall adopt rules and regulations governing professional boxing to establish the following:

- (1) Procedures to evaluate the professional records and physicians' certifications of each boxer participating in a professional match, contest, or exhibition of boxing and to deny authorization for a professional boxer to fight where appropriate.

O.C.G.A. § 43-4B-13 provides, in part:

- (a) The commission shall have the authority to refuse to grant a license to an applicant upon a finding by a majority of the entire commission that the applicant has failed to demonstrate the qualifications or standards for a license contained in this Code section or under the laws, rules, and regulations under which licensure is sought. It shall be incumbent upon the applicant to demonstrate to the satisfaction of the commission that he or she meets all of the requirements for the issuance of a license, and, if the commission is not satisfied as to the applicant's qualifications, it may deny a license without a prior hearing; provided, however, that the applicant shall be allowed to appear before the commission if he or she so desires.
- (b) The commission may, by majority vote, after prior notice to the holder of any state license and after affording such a holder an opportunity to be heard, fine the license holder, revoke or suspend a state license, or take other disciplinary action against the licensee;

O.C.G.A. § 43-4B-18 provides:

The commission shall have jurisdiction over any professional match, contest, or exhibition of boxing which occurs or is held within this state, is filmed in this state, or is broadcast or transmitted from this state.

O.C.G.A. § 43-4B-19 provides, in part:

- (a) Whenever it may appear to the commission that any person is violating or has violated any provision of this article or Article 1 of this chapter and that proceedings would be in the public interest:
 - (1) Subject to notice and opportunity for hearing in accordance with Chapter 13 of Title 50, the “Georgia Administrative Procedure Act” unless the right to notice is waived by the person against whom the sanction is imposed, the commission may:
 - (A) Issue a cease and desist order prohibiting any violation of this article or Article I of this chapter;
 - (B) Issue an order against a person who violates this article or Article 1 of this chapter, imposing a civil penalty up to a maximum of \$1,000.00 per violation; or
 - (C) Issue an order suspending or revoking a license of the person violating this article or Article 1 of this chapter;
- (c) Procedures relating to hearings, notice, counsel, subpoenas, records, enforcement powers, intervention, rules of evidence, decisions, exceptions, review of initial decisions, final decisions, and judicial review of decisions shall be governed by Chapter 13 of Title 50, the “Georgia Administrative Procedure Act, “ unless the provisions of such chapter are contrary to the express provisions of this article or Article 1 of this chapter.

O.C.G.A. Section 43-1-19(a), provides that:

- (a) A professional licensing board shall have the authority to refuse to grant a license to an applicant therefor or to revoke the license of a person licensed by that board or to discipline a person licensed by that board, upon a finding by a majority of the entire board that the licensee or applicant has:
 - (1) Failed to demonstrate the qualifications or standards for a license contained in this Code Section, or under the laws, rules, or regulations under which licensure is sought or held; it shall be incumbent upon the applicant to demonstrate to the satisfaction of the board that he or she meets all the requirements for the issuance of a license, and, if the board is not satisfied as to the applicant’s qualifications, it may deny a license without a prior hearing; provided, however, that the applicant shall be allowed to appear before the board if he or she so desires;
 - (2) Knowingly made misleading, deceptive, untrue, or fraudulent representations in the practice of a business or profession licensed under this title or on any document connected therewith; or practiced fraud or deceit or intentionally made

any false statement in obtaining a license to practice the licensed business or profession; or made a false statement or deceptive registration with the board;

(6) Engaged in any unprofessional, immoral, unethical, deceptive, or deleterious conduct or practice harmful to the public, which conduct or practice materially affects the fitness of the licensee or applicant to practice a business or profession licensed under this title, or of a nature likely to jeopardize the interest of the public, which conduct or practice need not have resulted in any actual injury to any person or be directly related to the practice of the business or profession but shows that the licensee or applicant has committed any act or omission which is indicative of bad moral character or untrustworthiness; unprofessional conduct shall also include any departure from, or the failure to conform to, the minimal reasonable standards of acceptable and prevailing practice of the business or profession licensed under this title;

(8) Violated a statute, law, or any rule or regulation of this state, any other state, the professional licensing board regulating the business or profession licensed under this title....which statute, law, or rule or regulation relates to or in part regulates the practice of a business or profession licensed under this title, when the licensee or applicant knows or should know that such action is violative of such statute, law, or rule;

O.C.G.A. Section 43-1-19(d), provides that:

- (d) When a professional licensing board finds that any person is unqualified to be granted a license or finds that any person should be disciplined pursuant to subsection (a) of this Code section or the laws, rules, or regulations relating to any business or profession licensed by the board, the board may take any one or more of the following actions:
- (1) Refuse to grant or renew a license to an applicant;
 - (2) Administer a public or private reprimand, but a private reprimand shall not be disclosed to any person except the licensee;
 - (3) Suspend any license for a definite period or for an indefinite period in connection with any condition which may be attached to the restoration of said license;
 - (4) Limit or restrict any license as the board deems necessary for the protection of the public;
 - (5) Revoke any license;
 - (6) Condition the penalty upon, or withhold formal disposition pending, the applicant's or licensee's submission to such care, counseling, or treatment as the board may direct;
 - (7) Impose a fine not to exceed \$500.00 for each violation of a law, rule, or regulation relating to the licensed business or professional.

GAEC Rule 85-1-.02(1)(i) provides that:

- (i) Verbal or physical abuse of official or commission appointed supervisor. Any licensee who verbally or physically abuses an official or the commission appointed supervisor of a match shall be suspended indefinitely and his or her license may be revoked.

GAEC Rule 85-1-.02(7)(4) provides:

4. Age Restrictions. Applicants for a boxer's license shall be no more than 37 years of age, provided however that the commission may, in its discretion, issue a license to an applicant-boxer who is more than 37 years of age and who submits satisfactory evidence that his or her health, ability and physical condition is sufficient to ensure the applicant's safety. Such medical evidence shall include, but is not limited to:

- (i) A detailed dilated ophthalmological examination, conducted by a licensed ophthalmologist. The intent of this examination is to assure both the boxer and the commission that no ophthalmological complications exist potentially hampering the boxer's ability to protect himself or herself in the ring, and to ensure that no ocular damage from previous bouts is evidenced. This exam must, at a minimum, include a careful dilated examination of the retinal periphery utilizing indirect ophthalmoscope.
- (ii) A detailed neurological examination, conducted by a state licensed neurologist. Whether auxillary neuro-diagnostic tests, such as electroencephalography (EEG), computerized tomography (CT), or magnetic resonance (MRI), are utilized is left to the discretion and clinical opinion of the examining physician.
- (iii) A detailed cardiovascular examination to establish cardiovascular endurance. A poorly conditioned boxer is at increased risk of injury because of exhaustion, which may impede his or her ability to mount an active offense or defense. Whether auxillary cardiovascular tests, such as an electrocardiogram (EKG), are utilized is left to the discretion and clinical opinion of the examining physician.

GAEC Rule 85-1-.02(9) provides, in part, that:

- (9) Suspensions and Revocations.
 - (a) The commission may revoke, suspend, place on probation or take other disciplinary action against the license of any licensee who has violated any of its rules or regulations or any of the provisions of O.C.G.A. 43, Chapter 4B or whose application

DECISION AND ORDER

The Commission finds that multiple grounds to sanction the Respondent, including O.C.G.A. Section 43-1-19(a)(6) and (8), and Commission Rule 85-1-.02(1)(i), have been proven by the preponderance of the evidence under the Findings of Fact and Conclusions of Law set forth herein. The Commission is particularly concerned about the conduct of the Respondent towards its officials which included abuse, cursing, harassment and intimidation.

Given the totality of the facts in this case as shown by the preponderance of the evidence, the Commission hereby decides and orders that Respondent be suspended for a period of one (1) year from boxing or fighting in the State of Georgia.

This 9 day of June, 2014.

GEORGIA ATHLETIC AND
ENTERTAINMENT COMMISSION

RICK THOMPSON
Chairman

ATTEST:



MATTHEW WOODRUFF
Executive Director

Prepared and Presented By:

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