BEFORE THE GEORGIA ATHLETIC AND ENTERTAINMENT COMMISSION
STATE OF GEORGIA

IN THE MATTER OF:	)	
	)	
ANTHONY GANAWAY,	)	
Licensee,	)	
	)	
Respondent.	)	

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FINAL DECISION

A hearing in the above-styled matter was conducted on May 22, 2014, by the Georgia Athletic and 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 was licensed as a professional boxer by the Commission to participate in a professional boxing match in Norcross, Georgia on Saturday, March 1, 2014

2.

Respondent failed to perform under the terms of his contract with the licensed promoter of the boxing match.

3.

Respondent appeared a weigh-ins at fourteen (14) pounds over the contract weight. Respondent was overweight and not in condition for the fight.

4.

Respondent failed the weigh-in due to being overweight.

5.

After he learned that the purse money was being withheld, the Respondent threatened the Commission officials present at the fight. Respondent threatened to get into one of the official's cars and commit bodily injury to the official. Gwinnett County Sheriff's officer(s) and venue security had to escort the Respondent to remove him from the building. When the Commission officials left the building they were escorted by a Gwinnet County Sheriff's officer due to concerns about their safety.

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 by 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-10 provides, in part:

(a) No person shall promote or hold a professional match, contest, or exhibition of boxing within this state without first applying for and obtaining a promoter's license from the commission. Licenses shall be issued annually and shall expire on December 31 of each calendar year.
(c) No person shall promote or hold a professional match, contest, or exhibition of boxing within this state without first applying for and obtaining a match permit from the commission for such professional match, contest, or exhibition of boxing in addition to the license required by subsection (a) of this Code section…

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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:

   (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;

(7) Knowingly performed any act which in any way aids, assists, procures, advises, or encourages any unlicensed person or any licensee whose license has been suspended or revoked by a professional licensing board to practice a business or profession licensed under this title or to practice outside the scope of any disciplinary limitation placed upon the licensee by the board;

(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 profession.

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(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 contains false statements or material omissions.

GAEC Rule 85-1-.05(6) provides, in part:

(6) Contracts
(c) Contract or Bout Agreement: File with Commission. One copy of each signed written agreement or contract, once executed by both parties and within three days of such execution, shall be filed with the commission.
(1) No boxing match shall be allowed to commence prior to execution of a signed contract or bout agreement by both parties or before said contract or bout agreement is submitted to the commission.

© Violations: Grounds for Suspension. Violation by either party of any written bout agreement or contract may be grounds for suspension of any license issued by the commission and may in addition to such suspension result in a fine imposed by the commission.

GAEC Rule 85-1-.05(7) provides, in part:

(7) Failure to Perform.

(b)Contestant Failure to Perform. The failure of a contestant under contract with a licensed promoter to perform according to the terms of said contract; or the

failure of a contestant to live up to his or her agreement with an person to which the contestant is under contractual agreement is prohibited.

© Violation: Penalties.

(i) Violation of either paragraph (a)or (b) within this subsection shall, for the first offense, be grounds for administrative suspension of not less than 90 days and a fine of not more than the contracted purse amount disclosed on the bout agreement or contract.

(ii) The second and/or any subsequent violation by any person of either paragraph (a) or paragraph (b) within this subsection may, in addition to any suspension by the commission, subject the violator to a fine of not more than the contracted purse amount as disclosed on the bout agreement or contract plus not more than an additional $10,000. Said fine to be imposed by the commission.

(iii) Any person or license holder violating on three or more occasions either sub-paragraph (a) or sub-paragraph (b) within this subsection shall have his or her license suspended indefinitely. Provided however that any action by the commission to enforce or attempt to enforce the provisions of this sub-paragraph will be taken only after notice and hearing according to the "Georgia Administrative Procedure Act," Title 50, Chapter 13 of the Official Code of Georgia Annotated.

GAEC Rule 85-1-.08(1)(n) provides:

(n) Any boxer can be fined, have his or her license suspended or have his or her license revoked in the event that a majority of the commission determines that the boxer did not utilize his or her best efforts in a match.

DECISION AND ORDER

The Commission finds that grounds to sanction the Respondent's license, including O.C.G.A. Section 43-1-19(a)(6) and Commission Rules 85-1-.02(i)(i), and 85-1-.08(1)(n). The Commission finds that the appropriate sanction is to indefinitely suspend the Respondent's license.

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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