

BEFORE THE GEORGIA ATHLETIC AND ENTERTAINMENT COMMISSION  
STATE OF GEORGIA

IN THE MATTER OF: )

ROUTE 30 PROMOTIONS, )  
Licensee, )

Respondent. )

**RECEIVED**  
JUL 17 2014  
SECRETARY OF STATE  
MAIL SERVICES

FINAL DECISION

A hearing in the above-styled matter was conducted on April 17, 2014, before the Georgia Athletic and Entertainment Commission ("Commission"). Discussion of the case following that hearing and oral announcement of the sanction to be imposed upon ROUTE 30 PROMOTIONS ("Respondent"), was done on May 22, 2014. The Commission was represented by Reagan Dean, Senior Attorney General. The Respondent was represented by Mutepe Akemon, Esq. Both Petitioner and Respondent presented witnesses at the hearing.

FINDINGS OF FACT

1.

Respondent is licensed as a promoter in the State of Georgia and was so licensed at all times relevant to the matters set forth herein.

2.

As a promoter, Respondent promoted and put on a scheduled event including professional boxing on Sunday, February 23, 2014, in Atlanta, Georgia.

3.

Manu Jones is the Chief Executive Officer of the Respondent. Byron Oglesby and Manu Jones are partners in the operation of the Respondent.

4.

Two of the professional boxing fights that Respondent wanted in the event held on February 23, 2014, included two fighters over the age of thirty-seven (37) years (“overage fighters”). Bryon Oglesby, matchmaker for Respondent, attended the Commission meeting on Thursday, February 20, 2014. At that meeting the Commission denied approval of licensure of the two overage fighters to participate in Respondent’s event on February 23, 2014. Respondent, Manu Jones and Bryon Oglesby were aware that the Commission had denied approval on February 20, 2014, of licensure of the two overage fighters for Respondent’s professional boxing event on February 23, 2014.

5.

The Commission on February 20, 2014, was very clear that it had denied approval of the two overage fighters and that the fights scheduled by Respondent for them could not occur.

6.

Respondent, as promoter of the professional boxing event on February 23, 2014, was primarily responsible for organizing, promoting, and producing the professional match or contest, and is legally responsible for the lawful conduct of such professional match or contest. The Commission finds that Respondent’s responsibilities include all aspects of such professional match or contest including before, during, and after such match or contest.

7.

Despite the Commission’s denial of approval, Respondent still signed contracts or allowed contracts to be signed with the overage fighters and their intended opponents as if the Commission had approved the fighters for the event. Respondent either misrepresented to the overage fighters and their intended opponents that the Commission had approved licensure of the

overage fighters for the event or failed to notify them of the Commission's denials even though Respondent, Bryon Oglesby, and Manu Jones were aware of the denials by the Commission.

8.

The Commission finds that the contracts required for professional boxing are to be entered into by the promoter and the fighter. The promoter as the party promoting the professional boxing event is the party responsible for organizing, producing, and promoting the professional match or contest including entering into contracts with fighters. To the extent the Respondent contends that a third party, and not Respondent, was responsible for any contract with the overage fighters and their opponents, the Commission finds that the Respondent is the entity or person responsible for such contracts.

9.

After the Commission's denial of approval of licensure of the two overage fighters, the Respondent and Byron Oglesby, attempted to persuade the Commission's Executive Director the day prior to the event and the day of the event to allow the two fights to occur. The Respondent and Byron Oglesby attempted to have the two fights proceed despite the Commission's denial of approval of the two overage fighters.

10.

Respondent still had the two overage fighters and their two intended opponents, including those from out-of-state, appear for the event. Respondent had the two overage fighters and their two intended opponents appear for weigh-ins required for fighters participating in the event. Respondent failed to notify the two overage fighters and their intended opponents of the Commission's denial of approval of licensure to participate in the event.

11.

The two overage fighters and their intended opponents learned of the Commission's denial from Commission officials during their appearance for the weigh-in. Thereupon, the officials were subjected to verbal abuse, harassment, intimidation, curses, angry and loud objections and complaints. These included attempts by Respondent and its personnel to have the officials allow the fights to occur despite the Commission's denials. It took several men to separate one of the overage fighters from the Commission official who the fighter was abusing, intimidating, and cursing. Due to concern for the officials' safety, arrangements were made to have security personnel accompany one or more of the officials during the event.

12.

Respondent violated the contracts entered into with the two overage fighters and their intended opponents. Respondent failed to perform according to the terms of the contracts entered into with the two overage fighters and their intended opponents.

13.

During the event on February 23, 2014, Respondent had the ring announcer notify the audience of an upcoming show which had not been submitted for Commission approval of such event or advertising.

#### APPLICABLE 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...

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 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(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-.02(7)(4) provides, in part:

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.....

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

(1) General Responsibilities and Provisions. During the performance of any promotion it shall be the promoter's responsibility to ensure the compliance with all laws and rules governing professional boxing in Georgia. Such responsibilities shall include, but will not be limited to the following:

(c) General Safety. It shall be the promoter's responsibility to insure safety for the contestants, officials, and fans and to comply with all safety standards required by the commission.

(h) Advanced Advertising. In addition to the requirements in this Chapter, no contestant or celebrity shall be advertised by any promoter before said promoter has in his or her possession a written commitment from said contestant or celebrity and before said promoter has filed a copy of such written commitment with the commission.

GAEC Rule 85-1-.05(4) provides, in part:

(4) Show.

(a) Marketing Prohibited Without Prior Commission Approval. Commission approval or authorization must be obtained prior to selling tickets, making announcements, or distributing advertisements concerning any show, show date, contestants, or matches.

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.

(C) 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.

(a) Promoter Failure to Perform. The failure of a promoter to perform according to the terms of its contract; to produce contestants or special added attractions as advertised; to pay the contestants their contracted guarantee, or percentage; or the failure of a promoter to live up to his or her agreement with his or her contestants or performers who did perform as scheduled is prohibited.

(c) 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.

DECISION AND ORDER

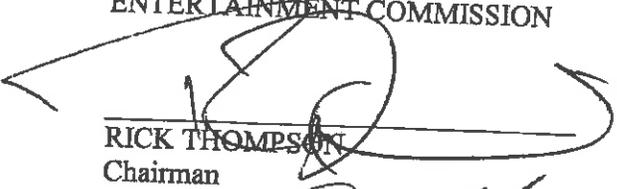
The Commission finds that multiple grounds to sanction the Respondent's license have been proven by the preponderance of the evidence, including O.C.G.A. Sections 43-1-19(a)(2), (6), (7), and (8) and Commission Rule 85-1-.05(1)(c) and (h), Rule 85-1-.05(4), Rule 85-1-.05(6)(6)(c)(1)(c), and Rule 85-1-.05(7), under the Findings of Fact and Applicable Law set forth herein. The Commission requires that the Respondent as a licensee exhibit professionalism in its conduct and in its promotion of professional boxing matches. The Commission finds

unacceptable the Respondent's conduct after it was aware of the denials of licenses for the two overage fighters. The Commission finds it unacceptable that the conduct of the Respondent led to the intimidation, abuse, and harassment of its officials.

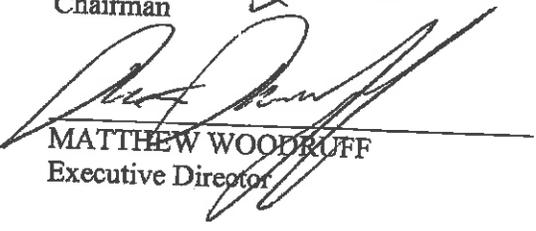
Given the totality of the facts in this case as shown by the preponderance of the evidence, the Commission hereby decides and orders that Respondent's license shall be restricted so that Respondent shall not promote any match, contest, or exhibition for a period of at least six (6) months from May 22, 2014. Upon the expiration of at least six (6) months the Respondent may petition the Commission in writing to lift the restriction. The Commission may require the Respondent to appear to review its petition. In any event, the decision to lift the restriction shall be in the Commission's discretion and the restriction shall remain in place until lifted in writing by the Commission. Denial, if any, of such petition shall be treated as a non-contested matter.

This 17 day of ~~June~~<sup>July</sup>, 2014.

GEORGIA ATHLETIC AND  
ENTERTAINMENT COMMISSION

  
RICK THOMPSON  
Chairman

ATTEST:

  
MATTHEW WOODRUFF  
Executive Director

Prepared and Presented By:

REAGAN DEAN  
Senior Assistant Attorney General  
Office of the State Attorney General  
40 Capitol Square, S.W.  
Atlanta, GA 30334  
404-657-3979

#761792