

CHAPTER 3. APPOINTED OFFICIALS

Sec.	
3.1.	Executive Secretary.
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§ 3.1. Executive Director.

(a) An Executive Director shall be appointed by the Secretary of the Commonwealth to act as the administrative officer to the Commission and have powers and duties provided in section 105 of the Athletic Code (relating to powers and duties of executive director).

(b) The Executive Director shall establish and maintain standard operating procedures for offices, ensure adherence to procedures and monitor operations of inspectors and officials.

(c) The Executive Director shall prepare, justify and administer the Commission budget.

(d) The Executive Director shall solicit items and prepare agendas for scheduled Commission meetings as well as attend the meetings, and shall also schedule and notify commissioners of the meetings.

(e) The Executive Director shall organize periodic training programs for judges, referees, inspectors and other licensees.

(f) The Executive Director shall disseminate to commissioners, inspectors and officials changes in the Commission's policies and procedures, personnel changes and other information pertinent to current operations.

(g) The Executive Director shall supervise and direct Commission staff, direct the issuance of Commission credentials and perform other duties as directed by the Commission. The Secretary of the Commonwealth or the Executive Director may designate Commission or Department staff to act on behalf of the Executive Director at events under the jurisdiction of the Commission.

(h) The Executive Director shall have the authority to approve or prohibit each proposed matching of boxers within this Commonwealth based upon the following criteria of each boxer:

- (1) Win/loss record.
- (2) Current boxing activity.
- (3) Overall boxing experience.
- (4) General health and safety, including, but not limited to, the following statutory provisions:

(i) Sections 708 of the Athletic Code (relating to suspension and revocation for injuries).

(ii) Section 711 of the Athletic Code (relating to limitation on difference in weights).

- (i) The Executive Director, a commissioner or the Commission may use a videotape of a contest to review actions taken relating to a contest.
- (j) The Executive Director shall rule on circumstances arising that are not addressed by this part and are not otherwise addressed in the Athletic Code that relate to the Commission's duties.
- (k) The Executive Director will handle and decide initial complaints informally. If an individual is not satisfied with the remedy provided by the Executive Director, the individual may appeal the matter to the Commission. Appeals of decisions pertaining to a suspension of a permit or license shall be handled in accordance with sections 1301—1305 of the Athletic Code (relating to enforcement). Decisions of the Commission may be appealed in accordance with 2 Pa.C.S. §§ 501—508 (relating to practice and procedure of Commonwealth agencies) and 1 Pa. Code Chapter 35 (relating to formal proceedings).

Authority

The provisions of this § 3.1 amended under the Athletic Code, 5 Pa.C.S. § 103(b)(1).

Source

The provisions of this § 3.1 adopted November 10, 1978, effective November 11, 1978, 8 Pa.B. 3094; amended May 17, 2002, effective May 18, 2002, 32 Pa.B. 2443. Immediately preceding text appears at serial page (251515).

Cross References

This section cited in 58 Pa. Code § 21.1 (relating to contracts).

§ 3.2. Inspectors.

- (a) Inspectors shall be nominated by a commissioner or the Executive Director and approved by the Secretary. Inspectors shall be assigned by the Executive Director for the performance of duties under section 105(3) of the Athletic Code (relating to powers and duties of executive director).
- (b) An inspector shall be empowered to act on behalf of the Commission only when specifically authorized by a commissioner or the Executive Director.
- (c) The Executive Director will assign to each event under the Commission's jurisdiction as many inspectors as necessary for the proper regulation of the event and may designate a chief inspector.
- (d) An inspector or the chief inspector in charge of an event shall be the official representative of the Commission and shall be responsible only to the Commission or the Executive Director. It is his duty and he shall have the authority to enforce the Athletic Code; and this part. It is his duty and he shall have the authority to enforce legislative and regulatory provisions pertaining to the collection of revenues that are due the Commonwealth, as outlined in section 916 of the Athletic Code (relating to gross receipts taxes).
- (e) Subject only to the direction of a commissioner or the Executive Director, an inspector will have authority over the following:

- (1) All phases of the weigh-in.
- (2) Entrances to the site of the event, including the following:
 - (i) Press and pass entrances.
 - (ii) Entrances for participants, officials, Commission credential holders and employees.
- (3) The ring and ringside, including the following:
 - (i) Press accommodations.
 - (ii) Radio accommodations.
 - (iii) Television accommodations.
- (4) Dressing rooms of participants and officials.
- (5) The counting and accounting for tickets, passes and credentials issued to individuals to attend specified events including the following:
 - (i) Working press passes.
 - (ii) Complimentary tickets.
 - (iii) Tickets of participants.
 - (vi) Commission credentials.
 - (vii) Promoter passes.
- (6) The collection of insurance premiums due and payable on participants, and the documenting and reporting of accidents, injuries and illness of a licensee.
- (7) The collection of fees, including the following:
 - (i) License fees.
 - (ii) Other moneys due the Commonwealth.
- (8) The payment of purses and other moneys due participants and fees due officials.
- (9) Matters generally under the jurisdiction of the Commission.
- (f) Inspectors shall file with the Commission an official report of attendance, gross receipts, net receipts, fees and other moneys collected, names and pairings of participants, names of officials and results of contests as determined by official decision after each event under the jurisdiction of the Commission.
- (g) An inspector shall file a detailed written report with the recommendations deemed appropriate, in the case of a violation or alleged violation of the Athletic Code.
- (h) In case of the termination of a contest under the jurisdiction of the Commission by disqualification of one or more of the participants, and in other circumstances, upon recommendation and approval of the Commission or Executive Director, the inspector shall have the authority to impound moneys due the alleged offending parties pending action on the matter by the Commission.
 - (i) Inspectors may not remove, replace or interfere with the duties of a ringside official unless authorized to do so by the Executive Director.
 - (j) Inspectors shall report for duty promptly in accordance with their assignments and remain on duty until excused by the Executive Director. Only inspec-

tors actually assigned or credentialed by the Executive Director to a given event shall by virtue of office be admitted, without charge, to that event.

Authority

The provisions of this § 3.2 amended under the Athletic Code, 5 Pa.C.S. § 103(b)(1).

Source

The provisions of this § 3.2 adopted March 11, 1946; amended through November 1, 1966; amended November 10, 1978, effective November 11, 1978, 8 Pa.B. 3094; amended May 17, 2002, effective May 18, 2002, 32 Pa.B. 2443. Immediately preceding text appears at serial pages (251515) to (251517).

Notes of Decisions

A deputy commissioner is assigned to each wrestling event by the Commission and his duties include collection of all fees. *Tattie v. State Athletic Commission*, 521 A.2d 970 (Pa. Cmwlth. 1987).

A license to promote wrestling may not be revoked for failure to pay the physician's fee when there exists no published regulation setting a definite and proper amount of payment. *Tattie v. State Athletic Commission*, 521 A.2d 970 (Pa. Cmwlth. 1987).

§ 3.3. Physicians.

(a) A physician licensed to practice in this Commonwealth will be assigned by the Executive Director to every contest, weigh-in and exhibition. A physician so assigned in the case of professional events shall also be licensed by the Commission under sections 905(a) and 910 of the Athletic Code (relating to other licenses required; and standards for issuance of licenses and permits). In emergencies or unusual circumstances, the Commission may waive the requirement that the physician assigned be licensed under sections 905(a) and 910 of the Athletic Code. Physicians are not required to be licensed under the Athletic Code in the case of amateur events.

(b) The physician assigned to the weigh-in shall file a complete written report on each person examined upon a form prescribed by the Commission. Examinations shall be conducted in accordance with procedures prescribed by the Commission as approved by the Medical Advisory Board of the Commonwealth, which are set forth in the *Medical/Safety Manual* published by the Commission. Each boxer shall be so examined before the start of each event in which he is scheduled to participate, and may not participate if pronounced physically unfit by the examining physician.

(c) The physician assigned to an event shall be seated at the immediate ring-side throughout the event and may not leave the ring untended while the event is in progress. An event may not commence or continue without an assigned physician in attendance. An assigned physician may not leave the premises of the event without notice to and approval of a commissioner, the Executive Director or an inspector. The physician shall remain on the premises after the event until satisfied that no further need of medical service remains.

(d) While on duty at an event, the assigned physician shall render emergency assistance inside and outside the ring to persons under the jurisdiction of the Commission and shall be especially prepared to minister to the injuries and illnesses that are to be anticipated under the circumstances of the event.

(e) The attending physician shall have full authority to determine and to pass upon the physical condition of participants and officials in the ring. For that purpose he shall have access to the ring at all times and shall be empowered to direct the referee to interrupt action pending determination of and decision upon the physical condition of a participant or official apparently in need of attention because of injury. The decision of the physician in attendance with respect to the ability of a participant or an official to continue in action shall be conclusive and shall be enforced by the referee in all cases. The attending physician shall be empowered to direct the referee to terminate action when a participant is evidently in jeopardy from exhaustion or punishment. In case of termination, there may be no resumption of action thereafter.

(f) In case of injury to a participant covered by insurance, the attending physician shall execute and file with the Commission the appropriate form of report for the injury to the insurance carrier on the form prescribed by the insurance carrier.

(g) When injury to or illness of a person occurs under the jurisdiction of the Commission, the attending physician shall have complete charge of the person while on the premises and shall be accorded the full cooperation of Commission personnel and licensees present.

(h) When a knockout or technical knockout of a boxer occurs, the attending physician shall follow up ministrations in the ring, at ringside or in the dressing room and shall take measures and give instructions that may be appropriate. After the event, the attending physician shall complete a post-fight check on each boxer who competed in the event on the form prescribed by the Commission in the *Medical/Safety Manual*.

(i) The attending physician is empowered to inspect and pass upon first aid and safety equipment provided for the event and to inspect and pass upon equipment intended to be used by seconds in ministering to boxers.

(j) When it appears to a ringside physician that a boxer or referee is no longer safely able to continue competitive or official activity, the physician shall immediately so report to the Commission and recommend the temporary or the permanent retirement of the person if appropriate.

Authority

The provisions of this § 3.3 amended under the Athletic Code, 5 Pa.C.S. § 103(b)(1).

Source

The provisions of this § 3.3 adopted March 11, 1946; amended through November 1, 1966; amended November 10, 1978, effective November 11, 1978, 8 Pa.B. 3094; amended April 10, 1992, effective April 11, 1992, 22 Pa.B. 1760; amended May 17, 2002, effective May 18, 2002, 32 Pa.B. 2443. Immediately preceding text appears at serial pages (251517) to (251518).

Notes of Decisions

Guidelines for assigning a physician at ringside and setting the fee which a wrestling promoter must pay to the physician, and which have no promulgated schedule of fees, create potential for abuse, by failing to safeguard against the assignment of arbitrarily large fee for physician. Thus, before a license may be revoked for failure to pay a set fee, fee must be sufficiently definite. *Tattrie v. State Athletic Commission*, 521 A.2d 970 (Pa. Cmwlth. 1987).

§ 3.4. Announcers.

(a) The Commission will license announcers of events under its jurisdiction, except that in emergencies and in the case of amateur events, competent unlicensed announcers may be used. The promoter or sponsor of the event shall assign announcers to events.

(b) Announcers shall be responsible to the Commission in the discharge of their duties and shall accept directions only from a commissioner or the Executive Director.

(c) The Commission will set fees payable to announcers assigned to serve at events. The promoters of professional events and the sponsors of amateur events shall pay the fees.

(d) An announcer assigned to an event shall remain at ringside while the event is in progress, shall maintain close liaison with a commissioner or the Executive Director during the period, and shall carefully follow the directions of a commissioner or the Executive Director at all times.

(e) Announcers shall be neatly and appropriately dressed while discharging their duties.

(f) Announcers shall display strict impartiality in word and action while serving at events under Commission jurisdiction.

(g) Announcers shall make neither special announcements nor introductions of persons other than participants and officials without first obtaining the approval of a commissioner or the Executive Director.

(h) The announcer shall announce from the ring at each event under the jurisdiction of the Commission the fact of jurisdiction, the names of the officials assigned to the event, the name and official weight before each contest of each participant and other pertinent information as directed by a commissioner or the Executive Director.

(i) Only an assigned announcer may make an announcement from the ring unless another person is specifically authorized by a commissioner or the Executive Director.

(j) The announcer shall promptly collect the official score card from the Executive Director or an inspector at the conclusion of each contest. The announcer shall announce the scoring by each official and the final decision reached. The announcer shall announce whether the decision is unanimous, a split decision or a draw at the end of contests other than the main events. In the event of a knockout or a technical knockout, the announcer shall announce the result and the time and the round of the termination of the contest.

Authority

The provisions of this § 3.4 amended under the Athletic Code, 5 Pa.C.S. § 103(b)(1).

Source

The provisions of this § 3.4 adopted March 11, 1946; amended through November 1, 1966; amended November 10, 1978, effective November 11, 1978, 8 Pa.B. 3094; amended May 17, 2002, effective May 18, 2002, 32 Pa.B. 2443. Immediately preceding text appears at serial pages (251519) to (251520).

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(288494) No. 332 Jul. 02

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