

RESOLUTION 2010-127

A RESOLUTION ASSIGNING TO THE EXECUTIVE DIRECTOR THE AUTHORITY TO EXERCISE POWERS AND DUTIES IN THE REGULATION OF BOXING, SPARRING, AND UNARMED COMBAT

The Indiana Gaming Commission (“Commission”) adopts the following resolution pursuant to the authority granted to it under IC 4-33 and House Enrolled Act 1086 (“HEA 1086”).

The Commission has considered the following factors:

1. House Enrolled Act 1086 transfers the powers and duties of the regulation of boxing, sparring, and unarmed combat from the State Athletic Commission (“Athletic Commission”) to the Indiana Gaming Commission, effective July 1, 2010. HEA 1086 will be codified in IC 4-33-22, effective July 1, 2010.
2. Pursuant to IC 4-33-3-18(b), the Commission may, by resolution, assign to the executive director any duty imposed upon the Commission by IC 4-33.
3. Pursuant to IC 4-33-3-18(c), the executive director may exercise any power conferred upon the Commission by IC 4-33 that is consistent with the duties assigned to the executive director under IC 4-33-3-18(b).
4. Current Athletic Commission staff has advised the Commission that the day-to-day regulation of boxing, sparring, and unarmed combat requires the ability to be responsive to emergent issues. For example, in the past eleven months, the Athletic Commission has held twenty commission meetings to deal with regulatory issues. Accordingly, the Commission finds that a regulatory framework that assigns a significant amount of sole authority to the Commission would be burdensome, unresponsive, and an inefficient use of resources. As a result, it is in the best interest of the Commission and boxing, sparring, and unarmed combat licensees to assign the right to perform all duties and exercise all powers conferred upon the Commission in IC 4-33 and HEA 1086, except as described herein, to the Executive Director unless and until otherwise revoked by the Commission.
5. The Commission finds that it is in the best interest of boxing, sparring, and unarmed combat to limit this assignment and reserve for itself all powers and duties regarding the:
 - Adoption of administrative rules;
 - Imposition upon a licensee of the costs associated with disciplinary actions initiated against the licensee;
 - Recovery of required payments through the exercise of the bond required by HEA 1086; and
 - Imposition of non-emergency disciplinary actions against existing licensees associated with boxing, sparring, or unarmed combat.
 - Imposition of license denials for applicants seeking approval of the Commission.
6. For purposes of this resolution and assignment of authority, an emergency exists whenever the Executive Director or his designee determines that a licensee’s safety and/or the integrity of

boxing, sparring, or unarmed combat is in immediate jeopardy, such that waiting to address the issue at a quarterly meeting of the commission would be impractical, unduly burdensome, or unwise. In such situations, the Executive Director or his designee may take immediate disciplinary action against a licensee without Commission involvement.

**NOW, THEREFORE, BE IT RESOLVED BY THE INDIANA GAMING COMMISSION,
THAT THE FOLLOWING RESOLUTION IS ADOPTED:**

SECTION 1: SCOPE

This resolution applies to the Indiana Gaming Commission and the Executive Director of the Indiana Gaming Commission.

SECTION 2: DEFINITIONS

The definitions set forth in IC 4-33 and HEA 1086 apply to this resolution.

SECTION 3: ASSIGNMENT OF AUTHORITY TO THE EXECUTIVE DIRECTOR

The Indiana Gaming Commission hereby assigns to the Executive Director the right to exercise all powers and duties conferred upon the Commission by IC 4-33 and HEA 1086, as described and limited herein.

SECTION 4: EFFECTIVE DATE

This resolution is effective on July 1, 2010.

ADOPTED THIS THE 17th DAY OF JUNE, 2010.

THE INDIANA GAMING COMMISSION:



Timothy Murphy, Chair

ATTEST:



Thomas Swihart, Vice Chair