

Title 36 WAC

PROFESSIONAL ATHLETICS COMMISSION

(Formerly: Boxing Commission)

Chapters

- 36-08 Practice and procedure.**
36-12 Professional boxing and wrestling.

Chapter 36-08 WAC

PRACTICE AND PROCEDURE

WAC

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WAC 36-08-010 Appearance and practice before commission—Who may appear. No person may appear in a representative capacity before the Washington state boxing commission or its designated hearing officer other than the following:

- (1) Attorneys at law duly qualified and entitled to practice before the supreme court of the state of Washington.
- (2) Attorneys at law duly qualified and entitled to practice before the highest court of record of any other state, if the attorneys at law of the state of Washington are permitted to appear in a representative capacity before administrative agencies of such other state, and if not otherwise prohibited by our state law.
- (3) A bona fide officer, partner, or full time employee of an individual firm, association, partnership, or corporation who appears for such individual firm, association, partnership, or corporation.

[Statutory Authority: 1981 c 337. 84-16-035 (Order 84-1), § 36-08-010, filed 7/26/84; Rule .08.010, filed 3/17/60.]

WAC 36-08-020 Appearance and practice before commission—Appearance in certain proceedings may be limited to attorneys. In all hearings involving the taking of testimony and the formulation of a record subject to review by the courts, where the commission or its designated hearing officer determines that representative activity in such hearing requires a high degree of legal training, experience, and skill, the commission or its designated hearing officer may limit those who may appear in a representative capacity to attorneys at law.

[Rule .08.020, filed 3/17/60.]

WAC 36-08-030 Appearance and practice before commission—Solicitation of business unethical. It shall be unethical for persons acting in a representative capacity before the commission to solicit business by circulars, advertisements or by personal communication or interviews not warranted by personal relations, provided that such representatives may publish or circulate business cards. It is equally unethical to procure business indirectly by solicitors of any kind.

[Rule .08.030, filed 3/17/60.]

WAC 36-08-040 Appearance and practice before commission—Standards of ethical conduct. All persons appearing in proceedings before the commission in a representative capacity shall conform to the standards of ethical conduct required of attorneys before the courts of Washington. If any such person does not conform to such standards, the commission may decline to permit such person to appear in a representative capacity in any proceeding before the commission.

[Rule .08.040, filed 3/17/60.]

WAC 36-08-050 Appearance and practice before commission—Appearance by former employee of agency or former member of attorney general's staff. No former employee of the commission or member of the attorney general's staff may at any time after severing his employment with the commission or the attorney general appear, except with the written permission of the commission, in a representative capacity on behalf of other parties in a formal proceeding wherein he previously took an active part as a representative of the commission.

[Rule .08.050, filed 3/17/60.]

WAC 36-08-060 Appearance and practice before commission—Former employee as expert witness. No former employee of the commission shall at any time after severing his employment with the commission appear, except with the written permission of the commission, as an expert witness on behalf of other parties in a formal proceeding wherein he previously took an active part in the investigation as a representative of the commission.

[Rule .08.060, filed 3/17/60.]

WAC 36-08-070 Computation of time. In computing any period of time prescribed or allowed by the commission rules, by order of the commission or by any applicable

statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation.

[Rule .08.070, filed 3/17/60.]

WAC 36-08-080 Notice and opportunity for hearing in contested cases. In any contested case, all parties shall be served with a notice at least 15 days before the date set for the hearing. The notice shall state the time, place, and issues involved, as required by RCW 34.04.090(1).

[Rule .08.080, filed 3/17/60.]

WAC 36-08-090 Service of process—By whom served. The commission shall cause to be served all orders, notices and other papers issued by it, together with any other papers which it is required by law to serve. Every other paper shall be served by the party filing it.

[Rule .08.090, filed 3/17/60.]

WAC 36-08-100 Service of process—Upon whom served. All papers served by either the commission or any party shall be served upon all counsel of record at the time of such filing and upon parties not represented by counsel or upon their agents designated by them or by law. Any counsel entering an appearance subsequent to the initiation of the proceeding shall notify all other counsel then of record and all parties not represented by counsel of such fact.

[Rule .08.100, filed 3/17/60.]

WAC 36-08-110 Service of process—Service upon parties. The final order, and any other paper required to be served by the agency upon a party, shall be served upon such party or upon the agent designated by him or by law to receive service of such papers, and a copy shall be furnished to counsel of record.

[Rule .08.110, filed 3/17/60.]

WAC 36-08-120 Service of process—Method of service. Service of papers shall be made personally or, unless otherwise provided by law, by first-class, registered, or certified mail; or by telegraph.

[Rule .08.120, filed 3/17/60.]

WAC 36-08-130 Service of process—When service complete. Service upon parties shall be regarded as complete: By mail, upon deposit in the United States mail properly stamped and addressed; by telegraph, when deposited with a telegraph company properly addressed and with charges prepaid.

[Rule .08.130, filed 3/17/60.]

WAC 36-08-140 Service of process—Filing with commission. Papers required to be filed with the commission shall be deemed filed upon actual receipt by the commission at the place specified in its rules accompanied by proof of service upon parties required to be served.

[Rule .08.140, filed 3/17/60.]

WAC 36-08-150 Subpoenas—Form. Every subpoena shall state the name of the commission and the title of the proceeding, if any, and shall command the person to whom it is directed to attend and give testimony or produce designated books, documents or things under his control at a specified time and place.

[Rule .08.150, filed 3/17/60.]

WAC 36-08-160 Subpoenas—Issuance to parties. Upon application of counsel or other representative authorized to practice before the commission for any party to a contested case, there shall be issued to such party subpoenas requiring the attendance and testimony of witnesses or the production of evidence in such proceeding. The commission may issue subpoenas to parties not so represented upon request or upon a showing of general relevance and reasonable scope of the testimony or evidence sought.

[Rule .08.160, filed 3/17/60.]

WAC 36-08-170 Subpoenas—Service. Unless the service of a subpoena is acknowledged on its face by the person subpoenaed, service shall be made by delivering a copy of the subpoena to such person and by tendering him on demand the fees for one day's attendance and the mileage allowed by law.

[Rule .08.170, filed 3/17/60.]

WAC 36-08-180 Subpoenas—Fees. Witnesses summoned before a commission shall be paid by the party at whose instance they appear the same fees and mileage that are paid to witnesses in the superior courts of the state of Washington.

[Rule .08.180, filed 3/17/60.]

WAC 36-08-190 Subpoenas—Proof of service. The person serving the subpoena shall make proof of service by filing the subpoena and the required return, affidavit, or acknowledgment of service with the commission or the officer before whom the witness is required to testify or produce evidence. If service is made by a person other than an officer of the commission, and such service has not been acknowledged by the witness, such person shall make an affidavit of service. Failure to make proof of service does not affect the validity of the service.

[Rule .08.190, filed 3/17/60.]

WAC 36-08-200 Subpoenas—Quashing. Upon motion made promptly, and in any event at or before the time specified in the subpoena for compliance, by the person to whom the subpoena is directed (and upon notice to the party to whom the subpoena was issued) the commission or its authorized member or officer may (1) quash or modify

the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue, or (2) condition denial of the motion upon just and reasonable conditions.

[Rule .08.200, filed 3/17/60.]

WAC 36-08-210 Subpoenas—Enforcement. Upon application and for good cause shown, the commission will seek judicial enforcement of subpoenas issued to parties and which have not been quashed.

[Rule .08.210, filed 3/17/60.]

WAC 36-08-220 Subpoenas—Geographical scope. Such attendance of witnesses and such production of evidence may be required from any place in the state of Washington, at any designated place of hearing.

[Rule .08.220, filed 3/17/60.]

WAC 36-08-230 Depositions and interrogatories in contested cases—Right to take. Except as may be otherwise provided, any party may take the testimony of any person, including a party, by deposition upon oral examination or written interrogatories for use as evidence in the proceeding, except that leave must be obtained if notice of the taking is served by a proponent within twenty days after the filing of a complaint, application or petition. The attendance of witnesses may be compelled by the use of a subpoena. Depositions shall be taken only in accordance with this rule and the rule on subpoenas.

[Rule .08.230, filed 3/17/60.]

WAC 36-08-240 Depositions and interrogatories in contested cases—Scope. Unless otherwise ordered, the deponent may be examined regarding any matter not privileged, which is relevant to the subject matter involved in the proceeding.

[Rule .08.240, filed 3/17/60.]

WAC 36-08-250 Depositions and interrogatories in contested cases—Officer before whom taken. Within the United States or within a territory or insular possession subject to the dominion of the United States depositions shall be taken before an officer authorized to administer oaths by the laws of the state of Washington or of the place where the examination is held; within a foreign country, depositions shall be taken before a secretary of an embassy or legation, consul general, vice consul, or consular agent of the United States, or a person designated by the commission or agreed upon by the parties by stipulation in writing filed with the commission. Except by stipulation, no deposition shall be taken before a person who is a party or the privy of a party, or a privy of any counsel of a party, or who is financially interested in the proceeding.

[Rule .08.250, filed 3/17/60.]

WAC 36-08-260 Depositions and interrogatories in contested cases—Authorization. A party desiring to take the deposition of any person upon oral examination shall give reasonable notice of not less than three days in writing to the commission and all parties. The notice shall state the

time and place for taking the deposition, the name and address of each person to be examined, if known, and if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs. On motion of a party upon whom the notice is served, the hearing officer may for cause shown, enlarge or shorten the time. If the parties so stipulate in writing, depositions may be taken before any person, at any time or place, upon any notice, and in any manner and when so taken may be used as other depositions.

[Rule .08.260, filed 3/17/60.]

WAC 36-08-270 Depositions and interrogatories in contested cases—Protection of parties and deponents. After notice is served for taking a deposition, upon its own motion or upon motion reasonably made by any party or by the person to be examined and upon notice and for good cause shown, the commission or its designated hearing officer may make an order that the deposition shall not be taken, or that it may be taken only at some designated place other than that stated in the notice, or that it may be taken only on written interrogatories, or that certain matters shall not be inquired into, or that the scope of the examination shall be limited to certain matters, or that the examination shall be limited to certain matters, or that the examination shall be held with no one present except the parties to the action and their officers or counsel, or that after being sealed, the deposition shall be opened only by order of the commission, or that business secrets or secret processes, developments, or research need not be disclosed, or that the parties shall simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the commission; or the commission may make any other order which justice requires to protect the party or witness from annoyance, embarrassment, or oppression. At any time during the taking of the deposition, on motion of any party or of the deponent and upon a showing that the examination is being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress the deponent or party, the commission or its designated hearing officer may order the officer conducting the examination to cease forthwith from taking the deposition, or may limit the scope and manner of the taking of the deposition as above provided. If the order made terminates the examination, it shall be resumed thereafter only upon the order of the commission. Upon demand of the objecting party or deponent, the taking of the deposition shall be suspended for the time necessary to make a motion for an order.

[Rule .08.270, filed 3/17/60.]

WAC 36-08-280 Depositions and interrogatories in contested cases—Oral examination and cross-examination. Examination and cross-examination shall proceed as at an oral hearing. In lieu of participating in the oral examination, any party served with notice of taking a deposition may transmit written cross interrogatories to the officer who, without first disclosing them to any person, and after the direct testimony is complete, shall propound them seriatim to the deponent and record or cause the answers to be recorded verbatim.

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[Rule .08.280, filed 3/17/60.]

WAC 36-08-290 Depositions and interrogatories in contested cases—Recordation. The officer before whom the deposition is to be taken shall put the witness on oath and shall personally or by someone acting under his direction and in his presence, record the testimony by typewriter directly or by transcription from stenographic notes, wire or record recorders, which record shall separately and consecutively number each interrogatory. Objections to the notice, qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented or to the conduct of the officer, or of any party, shall be noted by the officer upon the deposition. All objections by any party not so made are waived.

[Rule .08.290, filed 3/17/60.]

WAC 36-08-300 Depositions and interrogatories in contested cases—Signing attestation and return. When the testimony is fully transcribed the deposition shall be submitted to the witness for examination and shall be read to or by him, unless such examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed, unless on a motion to suppress the commission holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

The officer shall certify on the deposition that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness. He shall then securely seal the deposition in an envelope indorsed with the title of proceeding and marked "Deposition of (here insert name of witness)" and shall promptly send it by registered or certified mail to the commission, or its designated hearing officer, for filing. The party taking the deposition shall give prompt notice of its filing to all other parties. Upon payment of reasonable charges therefor, the officer shall furnish a copy of the deposition to any party or to the deponent.

[Rule .08.300, filed 3/17/60.]

WAC 36-08-310 Depositions and interrogatories in contested cases—Use and effect. Subject to rulings by the hearing officer upon objections a deposition taken and filed as provided in this rule will not become a part of the record in the proceeding until received in evidence by the hearing officer upon his own motion or the motion of any party. Except by agreement of the parties or ruling of the hearing officer, a deposition will be received only in its entirety. A party does not make a party, or the privy of a party, or any hostile witness his witness by taking his deposition. Any

party may rebut any relevant evidence contained in a deposition whether introduced by him or any other party.

[Rule .08.310, filed 3/17/60.]

WAC 36-08-320 Depositions and interrogatories in contested cases—Fees of officers and deponents. Deponents whose depositions are taken and the officers taking the same shall be entitled to the same fees as are paid for like services in the superior courts of the state of Washington, which fees shall be paid by the party at whose instance the depositions are taken.

[Rule .08.320, filed 3/17/60.]

WAC 36-08-330 Depositions upon interrogatories—Submission of interrogatories. Where the deposition is taken upon written interrogatories, the party offering the testimony shall separately and consecutively number each interrogatory and file and serve them with a notice stating the name and address of the person who is to answer them and the name or descriptive title and address of the officer before whom they are to be taken. Within 10 days thereafter a party so served may serve cross-interrogatories upon the party proposing to take the deposition. Within five days thereafter, the latter may serve redirect interrogatories upon the party who served cross-interrogatories.

[Rule .08.330, filed 3/17/60.]

WAC 36-08-340 Depositions upon interrogatories—Interrogation. Where the interrogatories are forwarded to an officer authorized to administer oaths as provided in WAC 36-08-250 the officer taking the same after duly swearing the deponent, shall read to him seriatim, one interrogatory at a time and cause the same and the answer thereto to be recorded before the succeeding interrogatory is asked. No one except the deponent, the officer and the court reporter or stenographer recording and transcribing it shall be present during the interrogation.

[Rule .08.340, filed 3/17/60.]

WAC 36-08-350 Depositions upon interrogatories—Attestation and return. The officer before whom interrogatories are verified or answered shall (1) certify under his official signature and seal that the deponent was duly sworn by him, that the interrogatories and answers are a true record of the deponent's testimony, that no one except deponent, the officer and the stenographer were present during the taking, and that neither he nor the stenographer, to his knowledge, is a party, privy to a party, or interested in the event of the proceedings, and (2) promptly send by registered or certified mail the original copy of the deposition and exhibits with his attestation to the commission, or its designated hearing officer, one copy to the counsel who submitted the interrogatories and another copy to the deponent.

[Rule .08.350, filed 3/17/60.]

WAC 36-08-360 Depositions upon interrogatories—Provisions of deposition rule. In all other respects,

depositions upon interrogatories shall be governed by the previous deposition rule.

[Rule .08.360, filed 3/17/60.]

WAC 36-08-370 Depositions upon interrogatories—Official notice—Matters of law. The commission or its hearing officer, upon request made before or during a hearing, will officially notice:

(1) **Federal law.** The Constitution; congressional acts, resolutions, records, journals and committee reports; decisions of federal courts and administrative agencies; executive orders and proclamations; and all rules, orders and notices published in the Federal Register;

(2) **State law.** The Constitution of the state of Washington, acts of the legislature, resolutions, records, journals, and committee reports; decisions of administrative agencies of the state of Washington, executive orders and proclamations by the governor; and all rules, orders and notices filed with the code reviser.

(3) **Governmental organization.** Organization, territorial limitations, officers, departments, and general administration of the government of the state of Washington, the United States, the several states and foreign nations;

(4) **Commission organization.** The commission's organization, administration, officers, personnel, official publications, and practitioners before its bar.

[Rule .08.370, filed 3/17/60.]

WAC 36-08-380 Depositions upon interrogatories—Material facts. In the absence of controverting evidence, the commission and its hearing officers, upon request made before or during a hearing, may officially notice:

(1) **Commission proceedings.** The pendency of, the issues and position of the parties therein, and the disposition of any proceeding then pending before or theretofore concluded by the commission;

(2) **Business customs.** General customs and practices followed in the transaction of business;

(3) **Notorious facts.** Facts so generally and widely known to all well-informed persons as not to be subject to reasonable dispute, or specific facts which are capable of immediate and accurate demonstration by resort to accessible sources of generally accepted authority, including but not exclusively, facts stated in any publication authorized or permitted by law to be made by any federal or state officer, department, or agency;

(4) **Technical knowledge.** Matters within the technical knowledge of the commission as a body of experts, within the scope or pertaining to the subject matter of its statutory duties, responsibilities or jurisdiction;

(5) **Request or suggestion.** Any party may request, or the hearing officer or the commission may suggest, that official notice be taken of a material fact, which shall be clearly and precisely stated, orally on the record, at any prehearing conference or oral hearing or argument, or may make such request or suggestion by written notice, any pleading, motion, memorandum, or brief served upon all parties, at any time prior to a final decision;

(6) **Statement.** Where an initial or final decision of the commission rests in whole or in part upon official notice of a material fact, such fact shall be clearly and precisely stated

in such decision. In determining whether to take official notice of material facts, the hearing officer of the commission may consult any source of pertinent information, whether or not furnished as it may be, by any party and whether or not admissible under the rules of evidence;

(7) **Controversion.** Any party may controvert a request or a suggestion that official notice of a material fact be taken at the time the same is made if it be made orally, or by a pleading, reply or brief in response to the pleading or brief or notice in which the same is made or suggested. If any decision is stated to rest in whole or in part upon official notice of a material fact which the parties have not had a prior opportunity to controvert, any party may controvert such fact by appropriate exceptions if such notice be taken in an initial or intermediate decision or by a petition for reconsideration if notice of such fact be taken in a final report. Such controversion shall concisely and clearly set forth the sources, authority and other data relied upon to show the existence or nonexistence of the material fact assumed or denied in the decision;

(8) **Evaluation of evidence.** Nothing herein shall be construed to preclude the commission or its authorized agents from utilizing their experience, technical competence, and specialized knowledge in the evaluation of the evidence presented to them.

[Rule .08.380, filed 3/17/60.]

WAC 36-08-390 Presumptions. Upon proof of the predicate facts specified in the following six subdivisions hereof without substantial dispute and by direct, clear, and convincing evidence, the commission, with or without prior request or notice, may make the following presumptions, where consistent with all surrounding facts and circumstances:

(1) **Continuity.** That a fact of a continuous nature, proved to exist at a particular time, continues to exist as of the date of the presumption, if the fact is one which usually exists for at least that period of time;

(2) **Identity.** That persons and objects of the same name and description are identical;

(3) **Delivery.** Except in a proceeding where the liability of the carrier for nondelivery is involved, that mail matter, communications, express or freight, properly addressed, marked, billed and delivered respectively to the post office, telegraph, cable or radio company, or authorized common carrier of property with all postage, tolls and charges properly prepaid, is or has been delivered to the addressee or consignee in the ordinary course of business;

(4) **Ordinary course.** That a fact exists or does not exist, upon proof of the existence or nonexistence of another fact which in the ordinary and usual course of affairs, usually and regularly co-exists with the fact presumed;

(5) **Acceptance of benefit.** That a person for whom an act is done or to whom a transfer is made has, does or will accept same where it is clearly in his own self-interest so to do;

(6) **Interference with remedy.** That evidence, with respect to a material fact which in bad faith is destroyed, elogned, suppressed or withheld by a party in control thereof, would if produced, corroborate the evidence of the adversary party with respect to such fact.

[Rule .08.390, filed 3/17/60.]

WAC 36-08-400 Stipulations and admissions of record. The existence or nonexistence of a material fact, as made or agreed in a stipulation or in an admission of record, will be conclusively presumed against any party bound thereby, and no other evidence with respect thereto will be received upon behalf of such party, provided:

(1) **Upon whom binding.** Such a stipulation or admission is binding upon the parties by whom it is made, their privies and upon all other parties to the proceeding who do not expressly and unequivocally deny the existence or nonexistence of the material fact so admitted or stipulated, upon the making thereof, if made on the record at a prehearing conference, oral hearing, oral argument or by a writing filed and served upon all parties within five days after a copy of such stipulation or admission has been served upon them;

(2) **Withdrawal.** Any party bound by a stipulation or admission of record at any time prior to final decision may be permitted to withdraw the same in whole or in part by showing to the satisfaction of the hearing officer or the commission that such stipulation or admission was made inadvertently or under a bona fide mistake of fact contrary to the true fact and that its withdrawal at the time proposed will not unjustly prejudice the rights of other parties to the proceeding.

[Rule .08.400, filed 3/17/60.]

WAC 36-08-410 Form and content of decisions in contested cases. Every decision and order, whether proposed, initial, or final, shall:

(1) Be correctly captioned as to name of agency and name of proceeding;

(2) Designate all parties and counsel to the proceeding;

(3) Include a concise statement of the nature and background of the proceeding;

(4) Be accompanied by appropriate numbered findings of fact and conclusions of law;

(5) Whenever practical, the conclusions of law shall include the reason or reasons for the particular order or remedy afforded;

(6) Wherever practical, the conclusions and/or order shall be referenced to specific provisions of the law and/or regulations appropriate thereto, together with reasons and precedents relied upon to support the same.

[Rule .08.410, filed 3/17/60.]

WAC 36-08-420 Definition of issues before hearing. In all proceedings the issues to be adjudicated shall be made initially as precise as possible, in order that hearing officers may proceed promptly to conduct the hearings on relevant and material matter only. Particularity should be required in complaints, answers, applications for rules or licenses, and petitions to intervene. In proceedings in which there is only one interested party besides the agency, the orders setting hearings should clearly specify the issues to be heard. Either at this point or in other sections of rules dealing with particular types of proceedings, set out any detailed requirements governing the formulation of issues in proceedings before the agency.

[Rule .08.420, filed 3/17/60.]

WAC 36-08-430 Prehearing conference rule—Authorized. In any proceeding the commission or its designated hearing officer upon its or his own motion, or upon the motion of one of the parties or their qualified representatives, may in its or his discretion direct the parties or their qualified representatives to appear at a specified time and place for a conference to consider:

- (1) The simplification of the issues;
- (2) The necessity of amendments to the pleadings;
- (3) The possibility of obtaining stipulations, admissions of facts and of documents;
- (4) The limitation of the number of expert witnesses;
- (5) Such other matters as may aid in the disposition of the proceeding.

[Rule .08.430, filed 3/17/60.]

WAC 36-08-440 Prehearing conference rule—Record of conference action. The commission or its designated hearing officer shall make an order or statement which recites the action taken at the conference, the amendments allowed to the pleadings and the agreements made by the parties or their qualified representatives as to any of the matters considered, including the settlement or simplification of issues, and which limits the issues for hearing to those not disposed of by admissions or agreements; and such order or statement shall control the subsequent course of the proceeding unless modified for good cause by subsequent order.

[Rule .08.440, filed 3/17/60.]

WAC 36-08-450 Submission of documentary evidence in advance. Where practicable the commission or its designated hearing officer may require:

(1) That all documentary evidence which is to be offered during the taking of evidence be submitted to the hearing examiner and to the other parties to the proceeding sufficiently in advance of such taking of evidence to permit study and preparation of cross-examination and rebuttal evidence;

(2) That documentary evidence not submitted in advance, as may be required by subsection (1), be not received in evidence in the absence of a clear showing that the offering party had good cause for his failure to produce the evidence sooner;

(3) That the authenticity of all documents submitted in advance in a proceeding in which such submission is required, be deemed admitted unless written objection thereto is filed prior to the hearing, except that a party will be permitted to challenge such authenticity at a later time upon a clear showing of good cause for failure to have filed such written objection.

[Rule .08.450, filed 3/17/60.]

WAC 36-08-460 Excerpts from documentary evidence. When portions only of a document are to be relied upon, the offering party shall prepare the pertinent excerpts, adequately identified, and shall supply copies of such excerpts, together with a statement indicating the purpose for which such materials will be offered, to the

hearing examiner and to the other parties. Only the excerpts, so prepared and submitted, shall be received in the record. However, the whole of the original document shall be made available for examination and for use by all parties to the proceeding.

[Rule .08.460, filed 3/17/60.]

WAC 36-08-470 Expert or opinion testimony and testimony based on economic and statistical data—Number and qualifications of witnesses. That the hearing examiner or other appropriate officer in all classes of cases where practicable make an effort to have the interested parties agree upon the witness or witnesses who are to give expert or opinion testimony, either by selecting one or more to speak for all parties or by limiting the number for each party; and, if the interested parties cannot agree, require them to submit to him and to the other parties written statements containing the names, addresses and qualifications of their respective opinion or expert witnesses, by a date determined by him and fixed sufficiently in advance of the hearing to permit the other interested parties to investigate such qualifications.

[Rule .08.470, filed 3/17/60.]

WAC 36-08-480 Expert or opinion testimony and testimony based on economic and statistical data—Written sworn statements. That the hearing examiner or other appropriate officer, in all classes of cases in which it is practicable and permissible, require, and when not so permissible, make every effort to bring about by voluntary submission, that all direct opinion or expert testimony and all direct testimony based on economic or statistical data be reduced to written sworn statements, and, together with the exhibits upon which based, be submitted to him and to the other parties to the proceeding by a date determined by the hearing officer and fixed a reasonable time in advance of the hearing; and that such sworn statements be acceptable as evidence upon formal offer at the hearing, subject to objection on any ground except that such sworn statements shall not be subject to challenge because the testimony is not presented orally, and provided that witnesses making such statements shall not be subject to cross-examination unless a request is made sufficiently in advance of the hearing to insure the presence of the witnesses.

[Rule .08.480, filed 3/17/60.]

WAC 36-08-490 Expert or opinion testimony and testimony based on economic and statistical data—Supporting data. That the hearing examiner or other appropriate officer, in his discretion but consistent with the rights of the parties, cause the parties to make available for inspection in advance of the hearing, and for purposes of cross-examination at the hearing, the data underlying statements and exhibits submitted in accordance with WAC 36-08-480, but, wherever practicable that he restrict to a minimum the placing of such data in the record.

[Rule .08.490, filed 3/17/60.]

WAC 36-08-500 Expert or opinion testimony and testimony based on economic and statistical data—Effect

of noncompliance with WAC 36-08-470 or 36-08-480. Whenever the manner of introduction of opinion or expert testimony or testimony based on economic or statistical data is governed by requirements fixed under the provisions of WAC 36-08-470 or 36-08-480, such testimony not submitted in accordance with the relevant requirements shall not be received in evidence in the absence of a clear showing that the offering party had good cause for his failure to conform to such requirements.

[Rule .08.500, filed 3/17/60.]

WAC 36-08-510 Continuances. Any party who desires a continuance shall, immediately upon receipt of notice of a hearing, or as soon thereafter as facts requiring such continuance come to his knowledge, notify the commission or its designated hearing officer of said desire, stating in detail the reasons why such continuance is necessary. The commission or its designated hearing officer, in passing upon a request for continuance, shall consider whether such request was promptly and timely made. For good cause shown, the commission or its designated hearing officer may grant such a continuance and may at any time order a continuance upon its or his own motion. During a hearing, if it appears in the public interest or in the interest of justice that further testimony or argument should be received, the examiner or other officer conducting the hearing may in his discretion continue the hearing and fix the date for introduction of additional evidence or presentation of argument. Such oral notice shall constitute final notice of such continued hearing.

[Rule .08.510, filed 3/17/60.]

WAC 36-08-520 Continuances—Rules of evidence—Admissibility criteria. Subject to the other provisions of these rules, all relevant evidence is admissible which, in the opinion of the officer conducting the hearing, is the best evidence reasonably obtainable, having due regard for its necessity, availability and trustworthiness. In passing upon the admissibility of evidence, the officer conducting the hearing shall give consideration to, but shall not be bound to follow, the rules of evidence governing civil proceedings, in matters not involving trial by jury, in the superior court of the state of Washington.

[Rule .08.520, filed 3/17/60.]

WAC 36-08-530 Tentative admission—Exclusion—Discontinuance—Objections. When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The officer conducting the hearing may, in his discretion, either with or without objection, exclude inadmissible evidence or order cumulative evidence discontinued. Parties objecting to the introduction of evidence shall state the precise grounds of such objection at the time such evidence is offered.

[Rule .08.530, filed 3/17/60.]

WAC 36-08-540 Petitions for rule making, amendment or repeal—Who may petition. Any interested person may petition the commission requesting the promulgation, amendment, or repeal of any rule.

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[Rule .08.540, filed 3/17/60.]

WAC 36-08-550 Petitions for rule making, amendment or repeal—Requisites. Where the petition requests the promulgation of a rule, the requested or proposed rule must be set out in full. The petition must also include all the reasons for the requested rule together with briefs of any applicable law. Where the petition requests the amendment or repeal of a rule presently in effect, the rule or portion of the rule in question must be set out as well as a suggested amended form, if any. The petition must include all reasons for the requested amendment or repeal of the rule.

[Rule .08.550, filed 3/17/60.]

WAC 36-08-560 Petitions for rule making, amendment or repeal—Commission must consider. All petitions shall be considered by the commission and the commission may, in its discretion, order a hearing for the further consideration and discussion of the requested promulgation, amendment, repeal, or modification of any rule.

[Rule .08.560, filed 3/17/60.]

WAC 36-08-570 Petitions for rule making, amendment or repeal—Notice of disposition. The commission shall notify the petitioning party within a reasonable time of the disposition, if any, of the petition.

[Rule .08.570, filed 3/17/60.]

WAC 36-08-580 Declaratory rulings. As prescribed by RCW 34.04.080, any interested person may petition the commission for a declaratory ruling. The commission shall consider the petition and within a reasonable time the commission shall:

- (1) Issue a nonbinding declaratory ruling; or
- (2) Notify the person that no declaratory ruling is to be issued; or
- (3) Set a reasonable time and place for hearing argument upon the matter, and give reasonable notification to the person of the time and place for such hearing and of the issues involved.
- (4) If a hearing as provided in subsection (3) is conducted, the commission shall within a reasonable time:
 - (a) Issue a binding declaratory rule; or
 - (b) Issue a nonbinding declaratory ruling; or
 - (c) Notify the person that no declaratory ruling is to be issued.

[Rule .08.580, filed 3/17/60.]

WAC 36-08-590 Forms. Any interested person petitioning the commission for a declaratory ruling pursuant to RCW 34.04.080, shall generally adhere to the following form for such purpose.

At the top of the page shall appear the wording "Before the Washington state boxing commission." On the left side of the page below the foregoing the following caption shall be set out: "In the matter of the petition of (name of petitioning party) for a declaratory ruling." Opposite the foregoing caption shall appear the word "petition."

The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and

address of the petitioning party. The second paragraph shall state all rules or statutes that may be brought into issue by the petition. Succeeding paragraphs shall set out the state of facts relied upon in form similar to that applicable to complaints in civil actions before the superior courts of this state. The concluding paragraphs shall contain the prayer of the petitioner. The petition shall be subscribed and verified in the manner prescribed for verification of complaints in the superior courts of this state.

The original and two legible copies shall be filed with the agency. Petitions shall be on white paper, either 8 1/2" x 11 or 8 1/2" x 13" in size.

Any interested person petitioning the commission requesting the promulgation, amendment or repeal of any rules shall generally adhere to the following form for such purpose.

At the top of the page shall appear the wording "Before the Washington state boxing commission." On the left side of the page below the foregoing the following caption shall be set out: "In the matter of the petition of (name of petitioning party) for (state whether promulgation, amendment or repeal) of rule (or rules)." Opposite the foregoing caption shall appear the word "petition."

The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party and whether petitioner seeks the promulgation of new rule or rules, or amendment or repeal of existing rule or rules. The second paragraph, in case of a proposed new rule or amendment of an existing rule, shall set forth the desired rule in its entirety. Where the petition is for amendment, the new matter shall be underscored and the matter proposed to be deleted shall appear in double parentheses. Where the petition is for repeal of an existing rule, such shall be stated and the rule proposed to be repealed shall either be set forth in full or shall be referred to by agency rule number. The third paragraph shall set forth concisely the reasons for the proposal of the petitioner and shall contain a statement as to the interest of the petitioner in the subject matter of the rule. Additional numbered paragraphs may be used to give full explanation of petitioner's reason for the action sought.

Petitions shall be dated and signed by the person or entity named in the first paragraph or by his attorney. The original and two legible copies of the petition shall be filed with the agency. Petitions shall be on white paper, either 8 1/2" x 11" or 8 1/2" x 13" in size.

[Statutory Authority: 1981 c 337, 84-16-035 (Order 84-1), § 36-08-590, filed 7/26/84; Rule .08.590, filed 3/17/60.]

Chapter 36-12 WAC

PROFESSIONAL BOXING AND WRESTLING

WAC

PROFESSIONAL BOXING RULES

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PROFESSIONAL WRESTLING RULES

- 36-12-365 Definitions.
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- 36-12-450 Miscellaneous provisions.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 36-12-090 Bond. [Rule .04.090, filed 9/22/60, 3/17/60.] Repealed by 91-11-038, filed 5/10/91, effective 6/10/91. Statutory Authority: Chapter 67.08 RCW.
- 36-12-230 Referees not to permit unfair boxing practices—Certain illegal blows defined. [Rule .04.230, filed 9/22/60, 3/17/60.] Repealed by 91-11-038, filed 5/10/91, effective 6/10/91. Statutory Authority: Chapter 67.08 RCW.
- 36-12-380 Selection of match officials. [Rule .04.380, filed 9/22/60, 3/17/60.] Repealed by 91-11-038, filed 5/10/91, effective 6/10/91. Statutory Authority: Chapter 67.08 RCW.
- 36-12-390 Duties of referees. [Rule .04.390, filed 12/21/62; Rule .04.390, filed 9/22/60, 3/17/60.] Repealed by 91-11-038, filed 5/10/91, effective 6/10/91. Statutory Authority: Chapter 67.08 RCW.
- 36-12-420 Fouls and permissible wrestling holds. [Rule .04.420, filed 12/21/62; Rule .04.420, filed 9/22/60, 3/17/60.] Repealed by 91-11-038, filed 5/10/91, effective 6/10/91. Statutory Authority: Chapter 67.08 RCW.
- 36-12-430 Costumes for wrestlers. [Rule .04.430, filed 9/22/60, 3/17/60.] Repealed by 91-11-038, filed 5/10/91, effective 6/10/91. Statutory Authority: Chapter 67.08 RCW.
- 36-12-440 Payment of contestants. [Rule .04.440, filed 9/22/60, 3/17/60.] Repealed by 91-11-038, filed 5/10/91, effective 6/10/91. Statutory Authority: Chapter 67.08 RCW.
- 36-12-460 Buildings. [Rule .04.460, filed 9/22/60, 3/17/60.] Repealed by 91-11-038, filed 5/10/91, effective 6/10/91. Statutory Authority: Chapter 67.08 RCW.
- 36-12-470 Miscellaneous rules of boxing and wrestling club licenses. [Rule .04.470, filed 9/22/60, 3/17/60.] Repealed by 91-11-038,

filed 5/10/91, effective 6/10/91. Statutory Authority: Chapter 67.08 RCW.

36-12-480 Method of operation. [Statutory Authority: 1981 c 337. 84-16-035 (Order 84-1), § 36-12-480, filed 7/26/84. Statutory Authority: Chapter 67.08 RCW. 81-05-005 (Order 80-2), § 36-12-480, filed 2/6/81; Rule, filed 12/6/67.] Repealed by 91-11-038, filed 5/10/91, effective 6/10/91. Statutory Authority: Chapter 67.08 RCW.

PROFESSIONAL BOXING RULES

WAC 36-12-010 Penalties. In cases of infraction of the law, the rules and regulations, orders of the professional athletic commission, or the failure to fulfill any contracts or agreements, it shall rest with the commission to impose such penalties as may be deemed expedient.

[Statutory Authority: Chapter 67.08 RCW. 91-11-038, § 36-12-010, filed 5/10/91, effective 6/10/91. Statutory Authority: 1981 c 337. 84-16-035 (Order 84-1), § 36-12-010, filed 7/26/84; Rule .04.010, filed 9/22/60; Rule .04.010, filed 3/17/60.]

WAC 36-12-011 "Promoter," "purse" defined. For purposes of brevity, in the following rules the word "promoter" will be used to designate a club, corporation, organization, association or person holding license under this commission. "Purse" will designate the sum of money or other compensation by way of guarantee, percentage or otherwise, paid to boxer.

[Statutory Authority: Chapter 67.08 RCW. 91-11-038, § 36-12-011, filed 5/10/91, effective 6/10/91; Note: Filed 9/22/60, 3/17/60.]

WAC 36-12-020 Boxing weights and classes.

- Flyweight 112 pounds or under
Bantamweight over 112 to 118 pounds
Featherweight over 118 to 126 pounds
Junior lightweight over 126 to 130 pounds
Lightweight over 130 to 135 pounds
Junior welterweight over 135 to 140 pounds
Welterweight over 140 to 147 pounds
Middleweight over 147 to 160 pounds
Light heavyweight over 160 to 175 pounds
Cruiserweight over 175 to 195 pounds
Heavyweight all over 195 pounds

No contests shall be scheduled, and no contestants shall engage in a boxing contest where the weight difference exceeds the allowance as shown in the following schedule, without the written approval of the commission.

- 112 lbs.-118 lbs. not more than 3 lbs.
118 lbs.-126 lbs. not more than 5 lbs.
126 lbs.-130 lbs. not more than 7 lbs.
130 lbs.-135 lbs. not more than 7 lbs.
135 lbs.-140 lbs. not more than 9 lbs.
140 lbs.-147 lbs. not more than 9 lbs.
147 lbs.-160 lbs. not more than 11 lbs.
160 lbs.-175 lbs. not more than 12 lbs.
175 lbs.-195 lbs. not more than 15 lbs.
195 lbs. and over, no limit.

[Statutory Authority: Chapter 67.08 RCW. 91-11-038, § 36-12-020, filed 5/10/91, effective 6/10/91; 80-09-065 (Order 80-1), § 36-12-020, filed 7/16/80; Rule .04.020, filed 9/22/60, 3/17/60.]

WAC 36-12-030 Weighing time. (1) Contestants shall be weighed on the date of the scheduled match, at the time designated by the commission, in the presence of each other, a commission inspector and an official of the club promoting the match, on club scales or other scales approved by the commission or at such place or places as may be designated by consent of commission inspector. By special permission of the commission, preliminary boxers may be allowed to weigh in and be examined not later than one hour before the scheduled time of the first match on the card. The weight of each contestant shall be recorded on a report sheet provided by the commission.

(2) At the official weighing-in of all contestants duly accredited newspaper, radio and television representatives may, upon request, be admitted.

[Statutory Authority: Chapter 67.08 RCW. 91-11-038, § 36-12-030, filed 5/10/91, effective 6/10/91; Rule .04.030, filed 12/6/67; Rule .04.030, filed 9/22/60, 3/17/60.]

WAC 36-12-040 Ring and equipment. (1) Ring.

The ring shall be not less than seventeen feet square or more than twenty-four feet within the ropes. The ring floor shall extend beyond the ropes not less than eighteen inches. The ring floor shall be padded in a manner as approved by the commission. Padding must extend beyond the ring ropes and over the edge of the platform. Ring canvas must be in a clean and sanitary condition.

(2) Height of ring. The ring platform shall not be more than four feet above the floor of the building, and shall be provided with suitable steps for use of contestants. Ring posts shall be of metal, not more than four inches in diameter, extending from the floor of the building to a height of fifty-eight inches above the ring floor, and shall be properly padded.

(3) Ring ropes. Ring ropes shall be at least three in number, not less than one inch in diameter; the lower rope eighteen inches above the ring floor, the second rope thirty-five inches above the floor, the third rope fifty-two inches above the floor. The lower rope shall have applied around it a padding of a thickness of not less than one-half inch and of a type and construction to be approved by the commission.

(4) Gong or bell. There shall be a bell or gong at the ring no higher than the level of the ring. The bell or gong shall be of a clear tone so that the contestants may easily hear it.

(5) Obstructions. The entire ring platform shall be cleared of all obstructions including buckets, stools, etc., the instant the ten second signal is given by the timekeeper, and none of these articles shall be placed on the ring floor until the gong has ended the round.

[Statutory Authority: Chapter 67.08 RCW. 91-11-038, § 36-12-040, filed 5/10/91, effective 6/10/91; Rule .04.040, filed 12/6/67; Rule .04.040, filed 9/22/60, 3/17/60, subsections (1), (3), filed 4/17/64.]

WAC 36-12-050 Gloves. (1) Gloves shall be examined by the commission representative and the referee. If padding is found to be misplaced or lumpy, or if gloves are found to be imperfect, or ill-fitting, they shall be changed before the contest starts.

(2) Gloves for all main events shall be new, and furnished by club management, and so made as to fit the hands of any contestant whose hands may be unusual in size.

(3) New gloves or gloves which have been used before, shall be whole, clean, in sanitary condition, and subject to inspection by the referee or commission representative as to condition. Any such gloves found to be unfit or ill-fitting, shall be immediately discarded and replaced with gloves meeting the above requirements.

(4) All clubs shall have on hand an extra set of eight-ounce and an extra set of ten-ounce gloves to be used in case gloves are broken or in any way damaged during the course of a bout.

(5) Contestants in all weight classes up to and including the welterweight class, shall wear eight-ounce gloves. In the heavier classes, ten-ounce gloves shall be worn. All gloves must be approved by the commission.

[Statutory Authority: Chapter 67.08 RCW. 91-11-038, § 36-12-050, filed 5/10/91, effective 6/10/91; Rule .04.050, filed 9/22/60, 3/17/60.]

WAC 36-12-060 Number of rounds. (See RCW 67.08.080.) No boxing contest or sparring exhibition held in this state whether under the provisions of statute or otherwise shall be for more than ten rounds and no one round of any such contest or exhibition shall be for a longer period than three minutes and there shall be not less than one minute intermission between each round. In the event of bouts involving state, national, or regional or world championships the commission may grant an extension of no more than two additional rounds to allow total bouts of twelve rounds. Promoters shall not schedule less than twenty-six rounds of boxing, nor more than forty rounds, except with the written approval of the commission for any one program. An emergency bout shall be provided in the event an arranged card breaks down, and if it is necessary to put on another bout.

[Statutory Authority: Chapter 67.08 RCW. 91-11-038, § 36-12-060, filed 5/10/91, effective 6/10/91; Order 74-1, § 36-12-060, filed 11/19/74; Order .04.060, filed 9/22/60, 3/17/60.]

WAC 36-12-070 Bandages. (1) Bandages shall not exceed the following restrictions: One winding of surgeon's adhesive tape not over one and one-half inches wide, placed directly on the hand to protect that part of the hand near the wrist. Said tape may cross the back of the hand twice, but shall not extend within one inch of the knuckles when hand is clenched to make a fist.

(2) Contestants shall use soft surgical bandages not over two inches wide, held in place by not more than two yards of surgeon's adhesive tape for each hand. One ten yard roll of bandage shall complete the wrappings for each hand. Bandages shall be adjusted in the dressing room in the presence of a commission representative and both contestants. Either contestant may waive his privilege of witnessing the bandaging of his opponent's hands.

[Statutory Authority: Chapter 67.08 RCW. 91-11-038, § 36-12-070, filed 5/10/91, effective 6/10/91; Rule .04.070, filed 9/22/60, 3/17/60.]

WAC 36-12-080 Ring equipment. Promoters shall provide all necessary equipment, subject to approval by the

commission, for use by the seconds and contestants at all events.

[Statutory Authority: Chapter 67.08 RCW. 91-11-038, § 36-12-080, filed 5/10/91, effective 6/10/91; Rule .04.080, filed 9/22/60, 3/17/60.]

WAC 36-12-100 Officials. (1) The officials of boxing contests shall consist of a referee, a timekeeper, a physician, two or three judges, and a commission inspector. At the discretion of the commission the three judge system may be used in lieu of the two judge and referee system. The referee, commission inspector, judges, physician, and timekeeper shall be assigned by the commission.

(2) No licensee shall verbally or physically abuse a referee or any other commission official.

[Statutory Authority: Chapter 67.08 RCW. 91-11-038, § 36-12-100, filed 5/10/91, effective 6/10/91; Rule .04.100, filed 9/22/60, 3/17/60.]

WAC 36-12-110 Referee. (1) The chief official of boxing contests shall be the referee, who shall have general supervision over bouts and take his place in the ring prior to each contest.

(2) The referee shall, before starting a contest, ascertain from each contestant the name of his chief second, and shall hold said chief second responsible for the conduct of his assistant seconds during the progress of the contest.

(3) The referee shall call contestants together before each bout for final instructions, at which time each contestant shall be accompanied by his chief second only. The principals after receiving instructions shall touch gloves and retire to their corners. They shall not touch gloves again until the beginning of the last round.

(4) No persons other than the contestants and the referee may enter the ring during the progress of a round.

(5) The referee shall inspect the bandages and the gloves and make sure that no foreign substances have been applied to either the gloves or any part of a boxer's head or body to the detriment of an opponent.

(6) Referees must wear dark trousers and shirt or uniforms subject to approval of the commission.

(7) All referees must take an annual physical and eye examination similar to that given to all applicants for a boxers' license and they shall be examined before officiating in any contest by the commission physician before entering the ring the same as boxers; if such examinations indicate the referee is physically or otherwise disabled or incapacitated, such fact should be immediately reported, in writing, by the examining physician to the inspector in charge, who shall take appropriate action to replace such referee.

[Statutory Authority: Chapter 67.08 RCW. 91-11-038, § 36-12-110, filed 5/10/91, effective 6/10/91; 81-05-005 (Order 80-2), § 36-12-110, filed 2/6/81; Order 74-2, § 36-12-110, filed 11/17/76; Rule .04.110, filed 9/22/60, 3/17/60.]

WAC 36-12-120 Powers of referee—Penalties for fouls, butts. (1) The referee shall have power to stop a contest at any time if he considers it too one-sided, or if either contestant is in such condition that to continue might subject him to serious injury, and in either case to render a decision.

(2) In cases where a boxer receives a cut eye or any other injury which the referee may believe shall incapacitate

the boxer, the referee shall call into the ring the commission physician for examination of the boxer before the referee shall render his decision in the matter.

(3) The referee shall stop a contest if in his judgment there is stalling or faking by either or both contestants or if there is collusion affecting the result, in which case he shall recommend to the commission that the purse or purses of the offending boxer or boxers be forfeited and paid to the commission.

(4) The referee shall penalize any contestant who fouls his opponent during a contest, by charging such contestant with the loss of points, whether such foul or fouls be intentional or unintentional. However, the referee shall use his own discretion in determining the number of points, if any, chargeable against the contestant in each instance, depending upon the severity or harmlessness of the foul and its effect upon the opponent. The referee shall indicate on the official score card the number of points taken away from a contestant in any and all rounds in which he may find it necessary to charge the contestant with such loss. The referee shall, at the conclusion of each round notify the judges of the number of points to be deducted in accordance with his determination. Judges shall not deduct points without first receiving instruction from the referee.

(5) Persistent fouling by a contestant requiring cautioning by the referee shall be noted on the referee's score card and called to the attention of the commission for appropriate punishment.

(6) No contestant may be awarded a contest on a claim of a low-blow foul, nor may a contestant lose a decision by reason of a low-blow foul. Except where a contestant commits two fouls and after being warned each time by the referee, he commits a third foul, the referee may then within his discretion award the decision to the contestant who has been fouled.

(7) Any boxer guilty of intentional foul tactics in a boxing contest may be disqualified and his purse withheld from payment, and the boxer shall be automatically suspended. Disposition of the purse and the penalty to be imposed upon the boxer shall be determined by action of the commission.

(8) In the event of an unintentional foul (except as provided in subsection (9) of this section) other than low-blow fouls, rendering an opponent incapacitated or unfit to continue (in the opinion of the referee), the contest shall be terminated, no decision shall be rendered but the referee shall order withheld from payment the purses of both contestants; the referee shall make a full report thereof, as is otherwise indicated herein, and the matter shall be heard by the commission and be disposed of as the commission may in its judgment deem expedient. Referees are hereby required to report to the commission repeated or persistent intentional or unintentional fouling by any contestant, in which connection the commission may order a hearing and subject the offending contestant to such punishment, which may include a fine or suspension, or both.

(9) If an accidental butt occurs during any bout, the referee shall immediately warn the guilty boxer and he may penalize him by a deduction in points for the round, at the same time he shall so notify the other contestant. Should any such penalty be charged against the boxer guilty of butting it shall be charged at the end of the round in which

the butting occurred and the referee's score card shall be so marked at the conclusion of the round, at which time he shall also notify the judges; the referee shall explain in writing on the back of his card the nature and circumstances surrounding the penalty.

(10) If a boxer is accidentally butted in a bout so that he cannot continue, the referee shall:

(a) Call the bout a draw if the injured boxer is behind in points, or

(b) Declare the injured boxer the winner on a technical decision if he has a lead in points. When judges are used the majority vote as disclosed by the score cards shall prevail in determining the decision as specified in this section and the previous section hereof. If all three score cards differ the contest shall be declared a technical draw.

(c) If any accidental butt occurs during the first three rounds of any contest the referee shall call the bout a no contest.

The provisions of (a) and (b) of this subsection do not apply in world championship matches.

This rule applies only to accidental butting. Intentional butting is a foul and shall be penalized as such.

(11) The referee shall use his discretion in deciding any matters that may come up during a contest and are not covered by these rules.

[Statutory Authority: Chapter 67.08 RCW. 91-14-063, § 36-12-120, filed 6/28/91, effective 7/29/91; 91-11-038, § 36-12-120, filed 5/10/91, effective 6/10/91; Rule .04.120, filed 9/22/60, 3/17/60.]

WAC 36-12-130 Duties of referee—Injuries, knockdowns, falls. (1) In case of a knockdown the referee shall require the fallen contestant to take a count of eight. The referee may compel a hurt contestant to take an eight count whether or not he is down. In the case of a cut eye or similar laceration the referee shall consult with the ringside physician. Such consultation shall take place upon the conclusion of a round or with "time out" or in an emergency during the progress of any round. The termination of the bout shall be governed by the examining physician's decision.

(2) A contestant who goes down without being struck, and stays down, shall be disqualified and the referee may render the decision to his opponent, and the referee shall recommend to the commission that the purse of the offending boxer be forfeited and paid to the commission.

(3) Should a contestant leave the ring during the one minute period between rounds and fail to be in the ring when the gong rings the signal to resume boxing, or should a contestant fail to rise from his chair at the beginning of a round, the referee shall start counting immediately, and unless the contestant is on his feet in the ring at the end of ten seconds the referee shall declare him as counted out.

(4) Should a contestant who is "down" arise before the count of "ten" is reached, and go down again immediately without being struck, the referee shall resume the count where he left off. If in any boxing contest during the rest period between rounds the referee shall decide that either of the contestants is not able to continue, or if the chief second of either of the contestants shall inform the referee that his boxer is unable to continue, and the referee concurs therein, he shall render his decision before the gong or bell rings and

then indicate on his score card that the opponent of the incapacitated boxer is the winner of the contest on a technical knockout as of the round which has last been finished.

(5) When a boxer resumes boxing after having been knocked or fallen or slipped to the floor, the referee shall wipe any accumulated resin or other foreign material from the boxer's gloves with a damp towel or on his shirt.

[Statutory Authority: Chapter 67.08 RCW. 91-11-038, § 36-12-130, filed 5/10/91, effective 6/10/91; Rule .04.130, filed 9/22/60, 3/17/60.]

WAC 36-12-140 Method of counting over a boxer who is down. (1) When a contestant is knocked down the referee shall order the opponent to retire to the farthest corner of the ring, pointing to the corner, and immediately beginning the count over the boxer who is down. The referee is the sole judge as to whether or not there has been a knockdown.

(2) He shall audibly announce the passing of each second, accompanying the count with motions of his arm, the downward motion indicating the end of each second.

(3) Any contestant who is knocked down shall not be allowed to resume boxing until after the referee has finished the count of eight. The contestant may take this count either on the floor or standing if he has not been struck hard enough to keep him down.

(4) The timekeeper shall stand up and strike with his hammer on the edge of the platform at the end of each second, or by other effective signaling method, give the referee the correct one-second intervals for his count.

(5) Should the opponent fail to stay in the farthest corner the referee shall cease counting until he has returned to it, and then go on with the count from the point at which it was interrupted. When a boxer is cleanly knocked down he shall be required to take a count of "8" whether or not he has regained his feet before the count of "8" has been reached. This rule will prevent a boxer being struck while proper reflexes are absent and will also aid the referee in judging the condition of the boxer.

(6) If the boxer who is down arises during the count the referee may, if he deems it advisable, step between the contestants long enough to assure himself that the boxer just arisen is in fit condition to continue. If so assured he shall without loss of time order both boxers to go on with the contest. During such intervention by the referee the striking of a blow by either boxer may be ruled "foul."

(7) If the contestant taking the count is still down when the referee calls the count of "ten" the referee shall wave both arms to indicate that he has been knocked out, and shall raise the hand of the opponent as winner. The referee's count is the official count. Upon the opinion and decision of both the physician and referee on any knockout, bad or continuous beating, a boxer will be suspended until such time as he takes a complete physical examination and is reinstated by such report from the commission physician. This report will not include the Seriological test for syphilis, which is taken once a year.

(8) In all boxing bouts, including championship matches, when a boxer is clearly knocked down a total of three times in any one round, the contest shall be terminated and the opponent shall be awarded the decision. This rule may be waived by a unanimous vote of the commission.

(9) If the round ends during the count the timekeeper shall sound the gong once, thus indicating the termination of the three minute round and that the contestant who is down has not been counted out.

(10) The referee shall continue the count after the bell signifying termination of the round except in the final round.

[Order 74-1, § 36-12-140, filed 11/19/74; Rule .04.140, filed 12/6/67; Rule .04.140, filed 9/22/60, 3/17/60; subsections (8) and (9), filed 4/17/64.]

WAC 36-12-150 When boxer falls from ring during round. (1) A contestant who has been knocked or has fallen through the ropes and over the edge of the ring platform during a contest may be helped back by anyone except his seconds or manager and the referee will allow a reasonable time for this return. When on the ring platform outside the ropes the contestant must reenter the ring immediately, then he may either resume the contest or stay down for a count, which in the latter case shall be started by the referee as soon as the fallen contestant is back in the ring.

(2) Should the contestant stall for time outside the ropes the referee shall start the count without waiting for him to reenter the ring, and if he is not on his feet in the ring within ten seconds, the referee shall declare him "knocked out."

(3) When one boxer has fallen through the ropes the other shall retire to the farthest corner and stay there until the count is completed or his opponent is on his feet in the ring. The referee must signal for the resumption of fighting when the fighter has returned to the ring.

(4) A contestant who deliberately wrestles or throws an opponent from the ring, or who hits him when he is partly out of the ring, and prevented by the ropes from assuming a position of defense may be disqualified, and the referee shall recommend to the commission that the purse of the offending boxer or boxers be forfeited and paid to the commission.

[Statutory Authority: Chapter 67.08 RCW. 91-11-038, § 36-12-150, filed 5/10/91, effective 6/10/91; Rule .04.150, filed 9/22/60, 3/17/60.]

WAC 36-12-160 Report of referee—Withholding or forfeiture of purse. (1) A referee of any contest shall submit a report of any and all contests which he referees. Any matter involving disregard of the rules or law must be included in the report and any recommendations relative to fines or suspensions of violators of the rules or law. Mail the report to the commission office. All referees must fully and explicitly describe the circumstances in which any bout is stopped on account of a technical knockout. When requested by the commission the referee's report must contain the exact reason for his actions in awarding the decision to the winner as a result of a technical knock-out.

(2) The referee shall recommend to the commission that they declare forfeited any remuneration or purse, or any part thereof, belonging to the contestants or one of them, or any part of the gate receipts for which contestants are competing, if in his judgment such contestant or contestants are not honestly competing. It is the desire of the commission to strictly enforce the above, and every referee is ordered to warn competing boxers of the power of the commission to hold up the purse or purses, should there be any apparent cause for such warning.

(3) In any case where the referee decides that both contestants are not honestly competing, the BOUT MUST BE STOPPED BEFORE THE END OF THE LAST ROUND, AND NO DECISION BE GIVEN. The announcer shall inform the audience, that no decision has been rendered. In such cases the purses shall be forfeited. A contestant earns nothing and shall not be paid for a contest in which there is stalling, faking, dishonesty or collusion. The commission shall have the power, independent of the referee or his decision, to determine the merits of any contest, and take whatever action it considers proper. Counting a boxer out, or disqualifying one of the contestants for fouling, is in effect giving a decision.

(4) A referee's decision rendered at the termination of any boxing contest is final and shall not be changed unless following the rendition of a decision the commission determines that any one of the following occurred:

- (a) There was collusion affecting the result of any contest;
- (b) The compilation of the scorecard of the referee or referee and judges shows an error which would mean that the decision was given to the wrong boxer;
- (c) There was a clear violation of the laws or rules and regulations governing boxing which affected the result of any contest.

If the commission determines that any of the above occurred with regards to any contest then the decision rendered shall be changed as the commission may direct.

[Statutory Authority: Chapter 67.08 RCW. 91-11-038, § 36-12-160, filed 5/10/91, effective 6/10/91; Rule .04.160, filed 9/22/60, 3/17/60.]

WAC 36-12-170 Referee's fees to be paid by promoter. The commissioner in each district shall decide the fee and number of referees to be used at each boxing card, in each city under his jurisdiction.

[Statutory Authority: Chapter 67.08 RCW. 91-11-038, § 36-12-170, filed 5/10/91, effective 6/10/91; Rule .04.170, filed 9/22/60, 3/17/60.]

WAC 36-12-180 Chief inspectors. (1) Each commissioner shall serve as chief inspector in his district, but shall receive no compensation for said service.

(2) The chief inspectors shall select and assign inspectors, timekeepers, referees, announcers, judges, and physicians for all bouts held in their respective districts unless the commission directs otherwise.

[Statutory Authority: Chapter 67.08 RCW. 91-11-038, § 36-12-180, filed 5/10/91, effective 6/10/91; Rule .04.180, filed 12/6/67; Rule .04.180, filed 9/22/60, 3/17/60.]

WAC 36-12-190 Duties of commission inspector.

(1) They shall attend to the forwarding of all reports to the commission office; prepare reports on suspensions, applications for reinstatement, and all other matters arising in their respective districts which require joint action by the commission.

(2) Commission representatives shall have under their charge the issuing of licenses to boxers, managers, seconds, referees, timekeepers, promoters, physicians, judges, and announcers. They shall investigate applications for promoter licenses and report same to the commission but shall not

issue promoter licenses except upon the order of the commission.

(3) Inspectors shall report directly to the chief inspector of the district and be under his authority.

(4) Inspectors shall be in charge of all details of the contest that do not come under the jurisdiction of the other officials.

(5) Inspectors shall see that all necessary equipment is provided, that the contestants are ready on time, that the seconds are properly instructed in their duties, that the physician's report and the statement of weights are delivered to the referee, and that all regulations pertaining to the proper conduct of the bout are enforced.

(6) Inspectors shall insist that promoters enforce the rule against gambling.

(7) Inspectors shall see that all seconds present a neat appearance and are attired according to the requirements of the rules.

(8) The referee's report shall be made on the form supplied for that purpose by the inspector. The referee shall sign the report in the presence of a commission representative after the termination of the show.

(9) In accordance with the law, each inspector shall receive for each contest officially attended a fee not to exceed one percent of the net gate of such contest up to a maximum of one hundred fifty dollars for closed circuit televised contests and five hundred dollars for all other boxing contests. Fifty dollars shall be the minimum charge for such fee with respect to closed circuit televised contests and for all other contests.

[Statutory Authority: Chapter 67.08 RCW. 91-11-038, § 36-12-190, filed 5/10/91, effective 6/10/91. Statutory Authority: 1981 c 337. 84-16-035 (Order 84-1), § 36-12-190, filed 7/26/84. Statutory Authority: Chapter 67.08 RCW. 81-05-005 (Order 80-2), § 36-12-190, filed 2/6/81; Order 74-2, § 36-12-190, filed 11/17/76; Order 74-1, § 36-12-190, filed 11/19/74; Rule .04.190, filed 9/22/60, 3/17/60.]

WAC 36-12-195 License fees. The commission's license year is July 1st through June 30th and license fees are paid annually. Fees are as follows:

- (1) Manager - \$40.00
- (2) Referee - \$15.00
- (3) Boxer - \$15.00
- (4) Matchmaker - \$40.00
- (5) Second - \$15.00

[Statutory Authority: Chapter 67.08 RCW. 91-11-038, § 36-12-195, filed 5/10/91, effective 6/10/91.]

WAC 36-12-200 Boxers. (1) Boxers may assume and use ring names, but the right to use any certain name is subject to the approval of the commission and may be denied either at the time of presenting application for license or later, should reason for such denial be brought before the commission.

(2) Contestants shall report to the inspector in the dressing room at least one hour before the scheduled time of the first match.

(3) Contestants shall box in proper costume, including such foul proof protection cups as shall be listed as approved by the commission. Proper costume shall include abdominal guard, two pair of trunks of contrasting color, shoes and approved mouthpiece.

Approved mouthpiece shall mean a custom-made individually fitted mouthpiece.

In addition, female boxers shall also include a breast protector and body shirt with their ring costume.

Each boxer shall be equipped and use throughout the bout a custom made individually fabricated mouth guard.

(4) The use of grease or other substances that might handicap an opponent is prohibited.

(5) Contestants must be clean and present a tidy appearance.

(6) No contestant may absent himself from a show in which he has signed or has been signed by his duly licensed manager, to appear, without a valid written excuse or furnishing a certificate from a commission physician in advance in case of a physical disability. Any boxer who files a certificate from a commission physician stating that he is unable to fulfill a contract on account of a physical disability must, on being restored to the eligible list fulfill his contract with the same opponent or a suitable substitute as the promoter specified in the contract within a reasonable time, such period to be set by the commission, unless the boxer is released from the contract by mutual agreement.

(7) When a boxer competes anywhere in a bout of more than four rounds he will not be allowed to compete again until six days have elapsed.

When a boxer competes anywhere in a bout of four rounds or less, he will not be allowed to compete again until two days have elapsed.

(8) No one shall be allowed in the boxer's dressing room except his manager, seconds and commission or promoter representatives.

(9) Boxer's licensing requirements are:

(a) Completed application.

(b) Complete physical.

(c) Two small photos.

(d) Fee is listed under License fees WAC 36-12-195. (Forms are supplied by the commission.) These requirements must be received by the commission office before a boxer appears in any event.

[Statutory Authority: Chapter 67.08 RCW. 91-11-038, § 36-12-200, filed 5/10/91, effective 6/10/91; 81-05-005 (Order 80-2), § 36-12-200, filed 2/6/81; Order 74-2, § 36-12-200, filed 11/17/76; Rule .04.200, filed 9/22/60, 3/17/60; subsections (1), (6) and (13) amended by filing of 4/17/64; subsection (2) added by filing 4/17/64.]

WAC 36-12-210 Down—A contestant shall be deemed "down" when. (1) A boxer shall be deemed to be "down" when any part of his body but his feet is on the floor.

(2) A boxer is considered "down" if he is hanging helplessly over the ropes and the referee has begun to count over him. (Referee can count a contestant out either on the ropes or on the floor.)

[Rule .04.210, filed 9/22/60, 3/17/60.]

WAC 36-12-220 Fouls in boxing. (1)(a) Hitting below the belt.

(b) Hitting an opponent who is down or is getting up after being down.

(c) Holding an opponent with one hand and hitting with the other.

(d) Holding or deliberately maintaining a clinch.

(e) Wrestling or roughing at the ropes.

(f) Pushing an opponent about the ring or into the ropes, or striking an opponent who is helpless as a result of blows and so supported by the ropes that he cannot fall.

(g) Butting with the head, the shoulder or using the knee or elbow.

(h) Hitting with the open glove or with the butt or inside of the hand, the elbow, the wrist and all back-hand blows.

(i) Purposely going down without being hit or for the purpose of avoiding a blow.

(j) Striking deliberately at that part of the body over the kidneys.

(k) The use of the pivot blow or the rabbit punch.

(l) Jabbing opponent's eyes with the thumb of the gloves.

(m) The use of abusive language in the ring.

(n) Any unsportsmanlike trick or action causing injury to an opponent.

(o) Hitting on the break.

(p) Hitting after the bell has sounded ending the round.

(q) Roughing at the ropes.

(r) Pushing an opponent about the ring or into the ropes.

(2) Any boxer guilty of foul tactics in a boxing contest may be disqualified or fined, or both, and his purse withheld from payment, and the boxer shall be automatically suspended. Disposition of the purse and the penalty to be imposed upon the boxer shall be determined by the commission.

(3) If a bout is stopped because of accidental fouling, the referee and physician shall determine whether the boxer who has been fouled can continue or not and if his chances have not been seriously jeopardized as a result of the foul, may order the bout continued after a reasonable interval set by the referee, who shall so instruct the timekeeper.

If conditions, except as otherwise provided by these rules and particularly as otherwise provided by WAC 36-12-120(4), relating to accidental butting, make it necessary to stop the bout the referee shall order as follows, and so notify the boxers, their managers, and the promoter, whose announcer shall notify the spectators:

(4) Referees shall not permit unfair practices that may cause injuries to a contestant, and are held strictly responsible for the enforcement of the rules. The only fair blow is a blow delivered with the padded knuckle part of the glove on the front or sides of the head and body above the belt. After sufficient warning has been given the referee shall punish persistent disregard of the rules.

[Statutory Authority: Chapter 67.08 RCW. 91-11-038, § 36-12-220, filed 5/10/91, effective 6/10/91; Rule .04.220, filed 9/22/60, 3/17/60.]

WAC 36-12-240 To prevent injury to boxers—Physical qualifications and exams—Stimulants—Assumed name—Professional competing with amateur. (1) Any boxer applying for a license must first be examined by a physician, to establish both physical and mental fitness for competition, and annually thereafter the boxer must take this required examination. The fee for all examinations must be paid by the boxer. The commission may order examinations of boxers at any time for the purpose of determining whether such boxer is fit and qualified to engage in future contests. The printed form supplied to the physician must be filled out

and returned to the commission, by the physician, and must be in the possession of the commission before the license application can be acted upon. The examination must be repeated and reports turned in once a year, as long as the boxer is licensed by the commission.

(2) The use of any controlled substances, alcohol or stimulants, or injections in any part of the body, either before or during a match, by any boxer is adequate grounds for revoking his license, as well as revoking the license of the person administering the same.

(3) Before a license is issued to any boxer, the application for such license must be approved by the commission.

(4) If a boxer uses an assumed ring name, both the real name and his ring name must be included in the application. The word "killer" or "bloody" or any similar term must not be used by any contestant and must be eliminated from all advertisements and announcements referring to boxing.

(5) Whenever a licensed boxer, because of injuries or illness, is unable to take part in a contest for which he is under contract, he (or his manager) must immediately report the fact to the nearest inspector, and submit to an examination by a physician designated by the inspector. The examination fee to be paid by the boxer, or promoter, if the latter requests an examination.

(6) Any professional boxer engaging in amateur contests shall automatically have his license revoked.

(7) All professional boxers should have attained their 18th birthday before being allowed to compete in any boxing contest in this state. No boxer under eighteen or over thirty-six years old shall be granted a license except by special action of the commission.

(8) No license shall be issued to any applicant for a boxer's license who is found to be blind in one eye or whose vision in one eye shall be so poor as to cause any examining physician to recommend that no license be granted. This rule will be effective regardless of how keen the boxer's vision may be in the other eye. Nor shall a boxer's license be issued to any boxer who has suffered a cerebral hemorrhage or any other serious head injury.

(9) When a boxer has been knocked out, none of his handlers are to touch him, except to remove his rubber mouth protector until the attending physician enters the ring and personally attends the fallen boxer, and issues such instructions as he sees fit to the boxer's handlers.

[Statutory Authority: Chapter 67.08 RCW. 91-11-038, § 36-12-240, filed 5/10/91, effective 6/10/91; Rule .04.240, filed 12/6/67; Rule .04.240, filed 9/22/60, 3/17/60, subsection (11), filed 4/17/64.]

WAC 36-12-250 Managers. (1) Managers must not sign a contract for the appearance of any boxer with whom he has not a written contract on file with the commission. Contracts between boxer and manager must be on a contract form approved by and furnished by the commission, except that any particular contract form not furnished by the commission may be approved by the commission as a whole. A contract between a manager and a boxer on file with the commission will be recognized until such time as a court of competent jurisdiction determines it to be of no further force and effect.

(2) Managers must not attempt to select or insist upon the selection of any designated referee in a bout in which a

boxer under his management is to appear and shall not have the name of such referee written into the official contract.

(3) Managers who act as seconds for their own boxers, exclusively, are not required to take out a second's license.

(4) Contracts between manager and boxer are not transferable except with approval and consent of the commission and may be voided by the commission for cause. In case of a minor, the contract must be executed by his proper legal guardian. To settle dispute, a birth certificate may be required.

(5) All contracts between manager and boxer must be in writing and signed in triplicate, the original filed with the commission for approval. Contracts must state the division of the boxer's earnings, which in no case shall allow the manager more than 33-1/3 percent of the boxer's purse, exclusive of amounts owed by the boxer to the manager under subsection (15) of this section.

(6) No assignment of any part or parts of a boxer's or a manager's interest in a contract can be made without the written approval and consent of the commission.

(7) No manager shall be allowed to contract for the services of a boxer under his management for a match to take place on a date after the expiration of the contract between the boxer and the manager.

(8) Any boxer not under contract to a manager can make his own matches, sign contracts and need not apply for a manager's license to handle his own affairs.

(9) In cases where boxers sign contracts with managers the boxer's share of any purse which he may earn will not be less than 66-2/3 percent, exclusive of amounts owed to the manager under subsection (15) of this section.

(10) If a manager shall fail to make application for a license he shall forfeit all rights to boxers on whom he has filed contracts in this state and the boxer shall be free to sign contracts with other licensed managers. Managers must file contracts on all boxers under their management.

(11) If a manager is doing business for a boxer not signed to a contract, such boxer must personally sign all contracts for appearances for licensed promoters and his signature must be properly witnessed.

(12) No boxer can have more than one manager without the express approval of the commission.

(13) No contract shall be approved between a manager and a boxer for a period exceeding five years.

(14) All disputes between the parties of a boxer/manager contract, including the validity of the contract, shall be handled as a civil matter.

(15) Any manager who advances or loans any money to any boxer or incurs indebtedness on behalf of any boxer shall furnish a statement to the boxer. This statement shall be specific and shall set forth as to each transaction or item at least the following information: The amount of money involved, the date that the indebtedness occurred, the purpose of the indebtedness, and the name of the person to whom the debt is owed.

The manager shall obtain the boxer's signature and date of signature on each accounting, within fourteen days of the loan or obligation being incurred.

[Statutory Authority: Chapter 67.08 RCW. 91-11-038, § 36-12-250, filed 5/10/91, effective 6/10/91; 81-05-005 (Order 80-2), § 36-12-250, filed 2/6/81; Rule .04.250, filed 9/22/60, 3/17/60; subsection (1) amended by filing of 4/17/64.]

WAC 36-12-260 Seconds. (1) Seconds and managers acting as seconds must be neatly attired when in the ring.

(2) A second holding only a second's license shall not attempt to act as a manager, or assist in any way in procuring matches, or take a share of the boxer's earnings. If found guilty of such actions he shall be suspended.

(3) Seconds shall not be more than three in number, including "house assistant second."

(4) A second shall not excessively coach a boxer during a round and shall remain seated and silent when so directed by the commission inspector on duty.

(5) Before a bout the referee shall be informed of the identity of the chief second.

(6) Fans may be used between rounds, but swinging of towels is prohibited.

(7) Seconds shall not enter a ring until the bell indicates the end of a round. They shall leave the ring at the sound of the timekeeper's whistle ten seconds before a round is to begin, removing all obstructions, buckets, stools, etc., promptly at the sounding of the bell or gong.

(8) Violations of the above rules may result in an indefinite suspension of the offenders by the commission and disqualification of their principal.

[Statutory Authority: Chapter 67.08 RCW. 91-11-038, § 36-12-260, filed 5/10/91, effective 6/10/91; 81-05-005 (Order 80-2), § 36-12-260, filed 2/6/81; Order 74-2, § 36-12-260, filed 11/17/76; Order 74-1, § 36-12-260, filed 11/19/74; Rule .04.260, filed 9/22/60, 3/17/60.]

WAC 36-12-270 Matchmakers. (1) Matchmakers must observe all of the rules and requirements with respect to weight agreement and weighing-in, and the proper execution and filing of contracts.

(2) Matchmakers will be held responsible by the commission if they make matches in which one of the principals is outclassed. Persistent lack of judgment in this matter will be regarded as cause for canceling the license of the matchmaker and the promoter which he represents, for the protection of both the boxers and the public.

(3) Managers are not allowed to have more than three boxers under their management appear in any one show. Matchmakers must rigidly enforce this rule.

(4) Any promoter or matchmaker found guilty of managing a boxer shall have his license suspended, and in the case of a promoter, his club license may be revoked.

[Statutory Authority: Chapter 67.08 RCW. 91-11-038, § 36-12-270, filed 5/10/91, effective 6/10/91; 81-05-005 (Order 80-2), § 36-12-270, filed 2/6/81; Rule .04.270, filed 9/22/60, 3/17/60.]

WAC 36-12-280 Timekeeper. (1) The timekeeper must be seated at ringside close to the gong or bell. He shall indicate the beginning and ending of each round by striking the gong or bell with a hammer.

(2) He shall provide himself with a whistle and an accurate stopwatch that shall have been properly examined before it is used.

(3) Ten seconds before the beginning of each round the timekeeper shall give a warning to the seconds of the contestants by blowing the whistle.

(4) In the event of a contest terminating before the scheduled limit of rounds, the timekeeper shall inform the announcer of the exact duration of the contest.

(5) The timekeeper's procedure in the case of a knock-down is detailed in WAC 36-12-140(4) and 36-12-150.

[Statutory Authority: Chapter 67.08 RCW. 91-11-038, § 36-12-280, filed 5/10/91, effective 6/10/91; Rule .04.280, filed 9/22/60, 3/17/60.]

WAC 36-12-290 Announcer. (1) After contestants and their chief seconds are in the ring the announcer shall announce the names of the contestants, their correct weights, and other matters as may be directed by the commission, inspector, or the promoter. Promoters shall provide the announcement of rounds. The announcer shall announce the decisions.

(2) All substitutions of contestants or changes in any boxing program shall be announced to the audience by the announcer before the first boxing contest.

[Statutory Authority: Chapter 67.08 RCW. 91-11-038, § 36-12-290, filed 5/10/91, effective 6/10/91; Rule .04.290, filed 9/22/60, 3/17/60.]

WAC 36-12-300 Judges. (1) The commission inspector in charge at all boxing shows shall, before the start of each bout, give the judges a regulation scorecard. Judges shall score each round of the bout on this card and sign it at the conclusion of the contest.

(2) Judges shall score all contests and determine the winner through the use of the ten point must system. In this system the winner of each round receives ten points and the opponent a proportionately less number. If the round is even, each boxer receives ten points. No fraction of points may be given.

(3) The majority opinion on the judges['] scorecards shall be conclusive and if there is no majority then the decision shall be a draw.

(4) At the termination of each contest, the referee will pick up and deliver the scorecards to a commission representative. When the commission representative has verified the results of the contest, the ring announcer shall be informed of the decision and shall announce the decision.

(5) The commission inspector will deliver or mail all scorecards with the rest of his reports to the commission office.

[Statutory Authority: Chapter 67.08 RCW. 91-11-038, § 36-12-300, filed 5/10/91, effective 6/10/91; Rule .04.300, filed 9/22/60, 3/17/60.]

WAC 36-12-310 Commission physician. (1) Within eight hours of entering the ring each contestant must be given a thorough physical examination by a physician who has been appointed by the commission.

(2) Should the boxer examined prove unfit for competition, through physical injury, faulty heart action, the presence of any infection or contagious disease, or any weakness or disability discovered by the examining physician, said boxer shall be rejected and barred from contest. This decision must be reported immediately to the promoter and the commission inspector.

(3) The physician shall certify to the inspector in writing over his signature that the contestants passed by him are in good physical condition to engage in the contest, and shall give his written report on the boxers to the commission inspector.

(4) The physician shall be in attendance at the ringside during all the contests and shall be prepared to assist should

any serious emergency arise. The commission physician at ringside will have the authority to stop a fight when he considers a boxer badly injured or in no shape to continue. Whenever a fight is stopped between rounds by the physician or otherwise because of injuries, the opponent shall be credited with a TKO for the round just concluded. No bout shall be allowed to proceed unless the physician is in his seat.

(5) The commission physician shall have a suitable place or room in which to make the examinations. Physicians, other than those licensed by the commission shall not be allowed in the dressing room of any boxer before a bout.

(6) A boxer rejected by a commission physician for disability will be placed on the suspended list until it is shown that such disability no longer exists.

[Statutory Authority: Chapter 67.08 RCW. 91-11-038, § 36-12-310, filed 5/10/91, effective 6/10/91; 80-09-065 (Order 80-1), § 36-12-310, filed 7/16/80; Rule .04.310(4), filed 12/6/67; Rule .04.310, filed 9/22/60, 3/17/60.]

WAC 36-12-320 Regarding suspensions. (1) Promoters and their matchmakers will not permit any person under suspension to take any part whatsoever, as a participant or in arranging or conducting matches or exhibitions, during the period of suspension.

(2) Every person debarred or suspended by the commission shall refrain from participating in any detail of match-making or holding bouts during such disbarment or suspension.

(3) Any person holding a license under this commission who has been suspended for using dishonest methods to affect the outcome of any contest, or for any conduct reflecting serious discredit upon the sport of boxing shall not be eligible for reinstatement.

(4) Any manager under temporary suspension shall be considered to have forfeited for the duration of his suspension all rights in this state held under the terms of any contract with a licensed boxer. Any attempt by a suspended manager to exercise such contract right shall make the suspension permanent, and a boxer who continues any of the contract relations with a suspended manager shall be indefinitely suspended.

(5) Any person holding a license under the commission may be suspended for violations of the law or the rules, or for arrest or conviction on a charge involving moral turpitude.

(6) A boxer whose manager has been suspended may continue boxing independently during the term of such suspension, signing his own contract for matches. No payment of a boxer's earnings may be made by any licensed promoter to a manager under suspension, or to his agent, but the purse in full shall be paid to the boxer.

(7) Revocation of license or permanent suspension of a manager shall automatically cancel all of his contract rights in this state under any and all contracts with boxers made under authority of this commission.

(8) In case of such revocation or permanent suspension the boxers are at liberty to operate independently and make their own matches, or to enter into contracts with other managers licensed by the commission and in good standing.

(9) Following the knockout or technical knockout of a boxer, that boxer shall have his license to box suspended for

a minimum period of thirty days for a TKO and sixty days for a KO. Boxers will not be permitted to engage in any contact boxing during this period without approval of the commission.

This suspension is to take effect immediately following the knockout or technical knockout. If the commission feels that this suspension is not sufficient they may impose a longer period or the suspension may be for an indefinite period pending the outcome of a physical examination.

Any contestant who has lost six consecutive fights will be automatically suspended and cannot be reinstated until he has submitted to a complete medical examination, which will also include a neurological examination.

(10) If at any time a boxer's ability to perform is questionable, whether for reasons of health, mental condition, or no longer possessing the ability to compete or for any other reason, the commission may, upon being satisfied of the boxer's lack of ability to perform, retire the boxer from further competition.

[Statutory Authority: Chapter 67.08 RCW. 91-11-038, § 36-12-320, filed 5/10/91, effective 6/10/91; 80-09-065 (Order 80-1), § 36-12-320, filed 7/16/80; Rule .04.320, filed 9/22/60, 3/17/60, subsections (11) and (12), filed 4/17/64; subsection (12) deleted, filed 12/6/67.]

WAC 36-12-330 Contracts. (1) All contracts between promoters and boxers or their managers must be on the official forms supplied by the commission. The original copy for the commission must be filed at the commission office at least five days before the bout.

(2) All contracts must name the opponent and fix a certain date for the contest. If a boxer is signed for a series of bouts, dates and names of opponents must be a part of the agreement and a separate contract signed for each bout. Each contract shall be accompanied by an affidavit, signed by the boxer or manager and properly attested, giving an accurate account of his ring record. Such affidavit shall be in a form and style prescribed by the commission.

(3) All papers filed with the commission, shall be the property of the commission.

(4) No verbal agreement or written agreement other than the contract on the official contract form, and no "blanket contract" or option on a boxer's services will be recognized by the commission. Such options and contracts are expressly prohibited.

(5) All contracts shall be paid in full according to their contracts, and no part or percentage of their remuneration may be withheld except by order of the commission or its referee, nor shall any part thereof be returned through arrangement with the boxer and his manager, to any matchmaker or promoter official.

(6) As a matter of record all communications to the commission regarding contracts, or violations or threatened violations thereof, must be made in writing or by telegraph to the commission through its nearest chief inspector, and rulings of the chief inspector or the commission must be made only in writing or by telegraph.

(7) If, through inclement weather (in case of an outdoor show), or other happening not within the control of the promoter, a postponement becomes necessary, the commission may grant an extension of the contracts and set a new date, and the action of the commission shall be binding upon all parties to the contracts.

A small advance ticket sale shall not be regarded as a legitimate reason for a postponement or cancellation.

[Statutory Authority: Chapter 67.08 RCW. 91-11-038, § 36-12-330, filed 5/10/91, effective 6/10/91. Statutory Authority: 1981 c 337. 84-16-035 (Order 84-1), § 36-12-330, filed 7/26/84; Order 74-1, § 36-12-330, filed 11/19/74; Rule .04.330, filed 9/22/60, 3/17/60.]

WAC 36-12-340 Payment of contestants. (1) All payments of purses shall be made through the commission's inspector. Payments shall be made immediately after the contest or exhibition, or in case of a percentage contract, as soon as the percentage can be determined.

The promoter's authorized representative shall deliver to the inspector, the checks made out by the promoter to the parties entitled to payment as follows:

If the contestant has no manager legally entitled to represent him, the check shall be made payable to the contestant in the full amount due him under his contract with the promoter.

If the contestant has a manager the promoter shall provide a check made out by the promoter to the manager for the full contract amount. After receipt of payment the manager is then responsible for paying the purse share of 66-2/3 percent to his boxer, excepting money owed to the manager pursuant to WAC 36-12-250(15).

The inspector shall deliver each check to the person it is made out to, and shall obtain a signed receipt for payment received on the printed form provided by the commission. This receipt shall be mailed or delivered by the inspector to the commission office along with the other required event reports.

(2) Should any promoter's check be protested, claim shall be made for the amount of the check upon the surety company, as provided in RCW 67.08.030.

Promoters will hold all endorsed payment checks for inspection at the commission's order.

In the event the referee fails to render a decision at the termination of any bout, the promoter shall deliver payment checks covering such bout to the commission.

[Statutory Authority: Chapter 67.08 RCW. 91-11-038, § 36-12-340, filed 5/10/91, effective 6/10/91; Rule .04.340, filed 9/22/60, 3/17/60.]

WAC 36-12-350 Tickets. (1) Promoters may use only tickets approved by the commission. The promoter shall provide to the commission before each event, a sworn inventory from the printer of all tickets printed showing number and prices, including any over prints, changes, or extras.

(2) No exchange of tickets shall be made except at the box office, and no ticket shall be redeemed after the show has taken place. Tickets in the hands of agencies must be returned to the box office not later than two hours after the show has started.

(3) All tickets shall have the price and name of promoter and date of show printed plainly thereon. Changes in ticket prices or dates of shows must be referred to the commission for approval.

(4) No ticket shall be sold except at the price printed on it.

(5) Tickets of different prices shall be printed in different colors on cardboard or heavy paper.

(6) No person shall be admitted to any boxing contest, held in the state of Washington without presenting to the doorkeeper an official ticket, or pass.

(7) Complimentary tickets or passes shall be limited to two percent of the total tickets sold. All tickets exceeding this amount shall be subject to tax under RCW 67.08.050(2).

(8) Under no circumstances shall a ticketholder be passed through the gate without having the ticket separated from the stub, or be allowed to occupy a seat, unless in possession of a ticket stub.

(9) Ushers must see to it that spectators get the seats their ticket stubs entitle them to, and that anyone occupying such seat unlawfully is asked to vacate, and if necessary is ejected.

(10) The sale of tickets cannot exceed the seating capacity of the house, and no person can be sold the right of admission without a ticket.

(11) Whenever an exhibition or contest is held, an authorized representative of the licensed promoter holding such event shall, in addition to the written report required by the commission, give an accounting to the inspector immediately after the close of the box office, showing the number of each class of tickets unsold or unused. The inspector will examine all unsold or unused tickets, stubs, coupons, books, cash, and all other matters relating to the box office and ticket takers. The inspector will then make a formal report to the commission by mail immediately upon the completion of such examination. Any fraud on the part of the promoter's representative will be deemed the act of the promoter.

[Statutory Authority: Chapter 67.08 RCW. 91-11-038, § 36-12-350, filed 5/10/91, effective 6/10/91. Statutory Authority: 1981 c 337. 84-16-035 (Order 84-1), § 36-12-350, filed 7/26/84. Statutory Authority: Chapter 67.08 RCW. 80-09-065 (Order 80-1), § 36-12-350, filed 7/16/80; Rule .04.350, filed 9/22/60, 3/17/60.]

WAC 36-12-360 Promoters. All promoters must be licensed to promote boxing in the state of Washington. A license certificate is issued when a promoter's application has been approved by the commission and a bond has been obtained and approved. Medical insurance must be obtained before any scheduled event takes place. (See RCW 67.08.030 and 67.08.040.)

(1) All boxing contests must be approved by the commission. No promoter may release the names of contestants to the media or otherwise publicize a contest unless a contract has been executed between the parties and the contest approved by the commission.

(2) The grounds for denial or cancellation by the commission for a boxing contest are as follows:

(a) The failure of the promoter or any person connected with the promotion and under the jurisdiction of the commission to comply with any statute or rule regulating boxing in Washington.

(b) The contest would tend to be a mismatch based on the record, experience, skill, and condition of the contestants.

(c) The contestants have not completed licensing requirements within the seventy-two hour time frame set by the commission.

(d) The commission does not have adequate staff to enforce the statutes and rules regulating boxing enacted and adopted to protect the health, safety, and welfare of the participants and consumers and guarantee the collection of

revenue due to the state from the contest and all ancillary rights incidental thereto.

(3) Promoters will be held responsible for maintaining order, and any person who is intoxicated, abusive or disorderly in conduct, to the annoyance of surrounding spectators, must be ejected.

(4) Promoters shall not schedule less than twenty-six rounds of boxing, nor more than forty rounds, for any one program except with the approval of the commission. An emergency bout shall be provided in the event an arranged card breaks down and if it is necessary to put on another bout.

(5) Advance notices for all boxing shows must be in the office of the commission seven days prior to the holding of any boxing show. In addition to the regular scheduled boxers the advance notice must show the names of boxers engaged by the promoter for an emergency bout.

(6) Notice of any change in announced or advertised programs for any contest must be filed immediately with the commission and the press. Notice of such change or substitution must also be conspicuously posted at the box office, and announced from the ring before the opening contest, and if any of the patrons desire to have the price of their tickets refunded, such refund shall be made if the tickets or ticket stubs are presented at the box office at once. The box office must remain open a reasonable time to redeem such tickets.

(7) Substitutions will not be permitted in any bout unless more than twenty-four hours before weighing-in time of the day of the contest, and then will be permitted only when the substitute has been approved by the commission.

(8) No intermission shall exceed a period of ten minutes at any boxing show.

The time allowed for putting gloves on main event boxers within the ring, shall not exceed five minutes.

(9) No promoter, or club, or member, stockholder, or official of a club shall be permitted to act directly or indirectly as a manager of a boxer, or to hold any financial interest in such management or in the boxer's ring earnings.

(10) Every promoter must provide a suitable room or place and a scale for the examination of contestants by the commission physician. The promoter must furnish ice bags, a stretcher, and a blanket at each boxing show, to be in readiness in the event same will be deemed necessary by the commission physician.

(11) Copies of all boxing contracts must be filed with the commission. The making of secret agreements contrary to the terms of the contracts so filed is prohibited under penalty of suspension of all parties thereto.

(12) Any promoter doing business directly or indirectly with managers or boxers under suspension may have its license revoked.

(13) Requests for charity shows must be referred to the commission.

(14) No soliciting of any kind by any individual, or organization shall be allowed in any boxing arena without the approval of the commission.

(15) All drinks shall be dispensed only in plastic or paper cups. Violations of this rule may result in the suspension or revocation of the offending promoter's license.

(16) Promoters must provide adequate security as approved by the commission.

(17) A promoter shall not employ any unlicensed second, boxer, matchmaker, or announcer.

(18) No admission can be charged where boxers are training except with the approval of the commission. When an admission fee is charged it shall be considered by the commission as a charge for the privilege of seeing an exhibition of boxing, and the promoter or person making the charge for admission shall furnish the commission with a certified written report, detailing the number of admissions and the total amount of money taken in, within seventy-two hours thereafter. The state tax of five percent on such gross receipts, exclusive of any federal taxes paid thereon shall be forwarded to the commission with the report.

(19) The commission requires that whenever any person, licensed by the commission is approached with a request or suggestion that a sham or collusive contest be entered into or that the contest shall not be conducted honestly and fairly, such licensed person must immediately report the matter to the commission.

(20) A commissioner, chief inspector, or any commission inspector supervising a contest or exhibition has the full power of the commission in enforcing the rules and regulations of the commission.

[Statutory Authority: Chapter 67.08 RCW. 91-11-038, § 36-12-360, filed 5/10/91, effective 6/10/91. Statutory Authority: 1981 c 337. 84-16-035 (Order 84-1), § 36-12-360, filed 7/26/84; Rule .04.360, filed 9/22/60, 3/17/60.]

PROFESSIONAL WRESTLING RULES

WAC 36-12-365 Definitions. The term "participant" as used in this chapter means any person actually engaged physically in the wrestling exhibition or show. This includes, but is not limited to wrestlers, referees, and managers.

[Statutory Authority: Chapter 67.08 RCW. 91-11-038, § 36-12-365, filed 5/10/91, effective 6/10/91.]

WAC 36-12-367 Participants. (1) Any person under the age of eighteen years old shall not be eligible for a license with the commission.

(2) All applications for a participant's license shall be in writing on a form furnished by the commission. Any person who makes a false statement or misrepresents any information on an application may have his license denied or revoked by the commission.

(3) All applicants for a participant's license shall be found after examination by a physician to be physically and mentally fit to participate in a wrestling show or exhibition.

(4) Upon application for a participant's license, all applicants shall pay a fee in the amount of fifteen dollars.

(5) Two small photos are required and must be provided to the commission before a license can be issued.

(6) All licenses are valid from the time of issuance until the expiration of the licensing year. July 1st is the beginning of each license year.

(7) No licensed promoter is eligible for a participant's license.

[Statutory Authority: Chapter 67.08 RCW. 91-11-038, § 36-12-367, filed 5/10/91, effective 6/10/91.]

WAC 36-12-370 Ring. (1) The ring shall not be less than sixteen feet square within the ropes and the ring floor shall extend beyond the ropes not less than eighteen inches.

(2) The ring floor shall be padded to a thickness of at least one inch. A regular one-piece wrestling mat is preferred, although soft padding of a proper thickness may be used, with a top covering of clean canvas tightly stretched and laced to the ring platform.

(3) The promoter shall keep the mat and covering in a clean and sanitary condition.

[Statutory Authority: Chapter 67.08 RCW. 91-11-038, § 36-12-370, filed 5/10/91, effective 6/10/91; Rule .04.370, filed 9/22/60, 3/17/60.]

WAC 36-12-385 Commission inspector. (1) A commission inspector shall attend all wrestling events scheduled. He will make sure all participants are properly licensed and that all laws, rules, and regulations are enforced.

(2) The inspector shall forward all reports and the gross revenue tax due from each event to the commission office.

(3) In accordance with the law, each inspector shall receive for each event officially attended, a fee not to exceed one percent of the net gate of each event up to a maximum of three hundred dollars and a minimum of twenty-five dollars which shall be paid by the promoter.

[Statutory Authority: Chapter 67.08 RCW. 91-11-038, § 36-12-385, filed 5/10/91, effective 6/10/91.]

WAC 36-12-400 Timekeepers and announcers. Timekeepers and announcers will be provided by the promoter and must be licensed with the commission. A completed application and two small photos are the licensing requirements for such license.

[Statutory Authority: Chapter 67.08 RCW. 91-11-038, § 36-12-400, filed 5/10/91, effective 6/10/91; Rule .04.400, filed 9/22/60, 3/17/60.]

WAC 36-12-410 Matches. (1) The promotor shall furnish the commission with an advance notice, giving the names of the participants to be used prior to each event.

(2) Under no circumstances shall any participants engage another participant outside of the ring. Any wrestlers involved in this action will be suspended immediately for a period of time set by the commission.

[Statutory Authority: Chapter 67.08 RCW. 91-11-038, § 36-12-410, filed 5/10/91, effective 6/10/91; Rule .04.410, filed 12/6/67; Rule .04.410, filed 12/21/62; Rule .04.410, filed 9/22/60, 3/17/60.]

WAC 36-12-415 Tickets. (1) Tickets must be printed and consecutively numbered.

(2) A ticket manifest must be provided to the commission upon request.

(3) All tickets must have prior approval by the commission.

[Statutory Authority: Chapter 67.08 RCW. 91-11-038, § 36-12-415, filed 5/10/91, effective 6/10/91.]

WAC 36-12-425 Contracts. Any contract or agreement between a participant and a promoter shall be in writing, signed by all parties, and made available to the commission upon request.

[Statutory Authority: Chapter 67.08 RCW. 91-11-038, § 36-12-425, filed 5/10/91, effective 6/10/91.]

WAC 36-12-435 Records. Promoters shall maintain a full, true, and accurate set of books of account and other records of receipts and disbursements in connection with all shows or exhibitions, and the records shall be open for inspection and audit by representatives of the commission for a period of six months after each event or exhibition.

[Statutory Authority: Chapter 67.08 RCW. 91-11-038, § 36-12-435, filed 5/10/91, effective 6/10/91.]

WAC 36-12-445 Buildings. Any building or facility where wrestling events are held must meet state and local fire and safety requirements.

[Statutory Authority: Chapter 67.08 RCW. 91-11-038, § 36-12-445, filed 5/10/91, effective 6/10/91.]

WAC 36-12-450 Miscellaneous provisions. (1) Dangerous conduct; punishment. The referee shall not permit physically dangerous conduct or tactics by any participant. Any participant who fails to discontinue such tactics, after being warned by the referee or a commission official shall be disqualified and subject to disciplinary action.

(2) Duties of licensees.

It shall be the duty of the promoter, his agents, employees, and the participants in any wrestling show or exhibition to maintain peace, order, and decency in the conduct of any show or exhibition. There shall be no abuse of a commission official at any time. Foul and profane language by participants is prohibited.

(3) Responsibility of promoter.

(a) Each promoter shall be directly responsible to the commission for the conduct of its employees and any violation of the laws, rules, or regulations of the commission by any employee of a promoter shall be deemed to be a violation by the promoter.

(b) Promoters are responsible for any violations of the law or commission rules by their participants.

(4) Postponement or cancellation.

A small advance sale of tickets shall not be regarded as a legitimate reason for a postponement or cancellation. Indoor wrestling shows or exhibitions shall not be cancelled for any reason except with the approval of the commission.

(5) Discrimination.

There shall be no discrimination against any participant in regard to sex, race, color, or creed.

(6) Appeals.

(a) Licensees may appeal any suspension, revocation, or fine to the commission in the manner provided in chapter 34.05 RCW.

(b) Such appeals must be received in the commission office within twenty days from the date of the notice sent by the commission.

[Statutory Authority: Chapter 67.08 RCW. 91-11-038, § 36-12-450, filed 5/10/91, effective 6/10/91; Rule .04.450, filed 12/21/62; Rule .04.450, filed 9/22/60, 3/17/60.]