

14B NCAC 10 .0404 DUTIES OF PROMOTERS AND MATCHMAKERS

(a) A promoter or matchmaker shall not act as a promoter or matchmaker for any boxing or kickboxing match in this State unless the match is held in accordance with the rules in this Chapter.

(b) Any person licensed as an individual shall have sole ownership of the license and the license is not transferable or assignable to another. If the person is no longer in business, the license is void.

(c) Any license issued to and in the name of a corporation is not transferable or assignable to another. If the corporation is no longer in business or no longer operates as the corporation, the license is void. If any officer of the corporation is added or deleted, the licensee shall, within 10 calendar days, notify the Division of the addition or deletion. A newly added officer shall submit an application for promoter or co-promoter license.

(d) Any license issued to a partnership is not transferable or assignable to another. If the partnership is no longer in business or no longer operates as the partnership, the license is void, provided however that if the business continues to operate but does not operate as a partnership and the sole remaining person was one of the licensed partners and all other previous licensed partners have, in writing, authorized the sole remaining person to have control and use of the licensed name, then the license may remain in force and effective until its expiration date, at which time the person shall apply as an individual.

(e) A promoter shall not be licensed as a judge or referee.

(f) An applicant for a promoter's license shall satisfy the following bonding requirements:

- (1) An applicant for a promoter license shall deposit with the Division a bond or other security in the amount of ten thousand (\$10,000) prior to being issued a promoter license. If the bond or other security is not maintained in full force and effect, the license is void.
- (2) If the Division determines that the projected liability for a match may exceed ten thousand dollars (\$10,000) the Division representative shall require an additional bond or additional security for the match. The additional bond or additional security shall be required and used only for the designated match and shall be released or returned 90 calendar days after the date of the match unless, as a result of violations or suspected violations, the Division representative determines that the additional bond or additional security shall be retained by the Division for a longer period.
- (3) The bond and other security, or additional bond and additional security shall be filed with the Division for the purpose of providing surety that the promoter will faithfully perform and fulfill his obligations as described in Article 68, and the rules set forth in this Chapter. Any fault, negligence, error or omission, failure to fulfill contractual obligations, violation of any rules of the Division or any other act or failure to act may result in a claim for recovery from the bond and recovery from the other security. When the amount of recovery cannot be determined by the Division due to the failure of the promoter to perform as required by G.S. 143, Article 68 or the rules set forth in this Chapter, the Division shall recover the face value of the bond and other security and the additional bond and additional security, as appropriate provided however that the recovery shall not be greater than the amount of the bond and other security required to be deposited with the Division.
- (4) A bond or additional bond is acceptable if the following conditions are met:
 - (A) The bond or additional bond has attached the Division Director as power of attorney, which power of attorney does not have an expiration date;
 - (B) The bond and additional bond provides surety in an amount equal to the face amount of the bond and additional bond and the aggregate annual liability are for the face amount of the bond and additional bond; and
 - (C) The bond and additional bond is made out in the name of the Division of Alcohol Law Enforcement, Boxing Authority Section and shall be negotiable on the authority of the Division representative;
- (5) The bond and additional bond may not be canceled, unless the following conditions have been met, provided however, when an additional bond is required as referenced in this Paragraph, Part (f)(5)(B) in this Rule does not apply:
 - (A) The surety company has provided the Division at least a 60 calendar-day written notice of intent to cancel;
 - (B) The promoter's license has expired or the license has been returned to the Division with a request to cancel the license and canceled by the Division and the promoter has not filed an application for renewal of the license; and
 - (C) A period of 90 calendar days has elapsed since the most recent match of the promoter.

- (6) Other security may be provided in lieu of the bond or additional bond provided the following conditions are met:
- (A) The security is in the form of cash, a certified check or direct obligations of the United States or this state;
 - (B) The certified check is made payable to the Division of Alcohol Law Enforcement, Boxing Authority Section and, the certified check and the direct obligations of the United States or this state shall be negotiable on the authority of the Division representative;
 - (C) The Division shall not pay interest or other charges or fees to the promoter;
 - (D) The security may not be canceled or requested to be returned, unless the following conditions have been met, provided however, when an additional security is required as referenced in this Paragraph, Subpart (6)(D)(ii) of this Rule does not apply:
 - (i) The promoter has provided the Division at least a 60-calendar day written notice of request for return or release of the security;
 - (ii) The promoter's license has expired or the license has been returned to the Division with a request for cancellation and canceled by the Division and the promoter has not filed an application for renewal of the license, or the promoter has substituted a bond for the security and the bond indicates on its face that it will retroactively cover the promoter for all times and for all obligations of the promoter covered by the security for which the bond is being substituted;
 - (iii) A period of 90 calendar days has elapsed since the most recent match of the promoter; and
 - (iv) A period of one year has elapsed since the security was deposited with the Division.

In the event of substitution of a bond for the security on the deposit with the Division, Subparts (iii) and (iv) in this Part do not apply.

(g) More than one promoter may be involved in the promotion of a single program of matches. The promoter to whom the permit is issued shall be considered as the promoter of record and that promoter shall ensure that all the requirements and responsibilities of the promoter are accomplished as set forth in this Chapter, provided however that the bonds or other securities deposited with the Division of all promoters involved in the promotion of the program of matches are liable and may be used as surety against any claim or obligation involving the program of matches.

(h) A matchmaker shall make matches in which the contestants are of similar ability and skill.

(i) A matchmaker or promoter shall not contract with or negotiate with managers or contestants who are under suspension or whose licenses have been revoked in North Carolina or any other state.

(j) Contracts between contestants and the promoter shall be filed with the Division no later than at the time of weigh-in. All contracts between contestant and promoter must be executed on a form provided by the Division.

(k) After the application for a permit has been tentatively approved and a proposed match has been approved, the promoter may provide the names of the contestants for the approved match to the media. A promoter shall not advertise, sell or cause to be sold any tickets, distribute or cause to be distributed any complimentary tickets, enter into any contracts or in any way make any obligations, commitments or announcements relative to a match or program of matches unless the match or program of matches has been approved and the permit has been tentatively approved.

(l) The promoter shall, in the case of a substitution in a main event, post in a conspicuous place in front of the arena or directly over the cashier windows, notice of the substitution, and if time permits, shall advertise the substitution by radio and in a newspaper expected to have the widest circulation for the intended audience.

(m) A promoter may not pay, lend, or give a contestant an advance against his purse before a contest.

(n) The promoter shall ensure that each contestant scheduled to be engaged in a match has received the following examinations:

- (1) A full dilated eye examination performed by a licensed ophthalmologist and submitted on a form provided by the Division within the past 12 months;
- (2) HIV within the last 180 days;
- (3) Hepatitis B surface antigens within the past 180 days; and
- (4) Hepatitis C antibody.

If a contestant fails a Hepatitis B surface Antigen test, the contestant must pass a Hepatitis B "PCR" quantitative test. The quantitative limit must be within permissible limits according to the laboratory where test were administered. The test and results must not be older than 180 days from date of the receipt of report by the Division

and must be submitted on letterhead of the laboratory, accompanied by contestant's declaration under penalty of perjury that the report represents the contestant's most recent HIV, Hepatitis B and Hepatitis C test results.

(o) The Division representative shall, if he has cause to believe that a contestant may have suffered cardiac or neurological injury, direct the contestant to undergo an EKG, EEG, or CAT scan. The interpretation and diagnosis shall be filed with the Division. The promoter shall ensure that this requirement is satisfied.

(p) The promoter shall acquire insurance as described in Paragraph (aa) of this Rule.

(q) The promoter shall advise all managers and contestants under contract for a match or program of matches of the time and place of the weigh-in as designated by the Division representative and of the time and place of their appearance for the match or program of matches.

(r) The promoter shall provide the arena equipment, seating, services, facilities, personnel, ushers, ticket sellers, security and other equipment or services necessary to provide for the correct handling of the program of matches.

(s) The promoter shall contract with and compensate the officials required to be present and rendering services during a program of matches including an announcer, a timekeeper, two referees, three judges, plus two kick count judges for kickboxing and a ringside physician. A physician shall be present at the weigh-in.

(t) The promoter shall ensure that all tickets have printed on them the admission price and no ticket is sold for a price higher than the price shown on its face. Each complimentary ticket shall have printed on its face the face value of the ticket and in no case shall the dollar value shown on the face of the ticket be \$ 0.00. Each complimentary ticket shall be either marked "COMPLIMENTARY" in large letters on its face or shall be marked or punched in such a manner as to make it clear that the ticket is complimentary. A promoter may not issue complimentary tickets for more than four percent of the seats in the venue. The promoter shall collect a fee in the amount established by G.S. 143-655(b)(1) to attend matches regulated by the Division. The total amount of this fee shall be deposited with the Division after the conclusion of the program of matches. The promoter shall complete, certify and sign a form, supplied by the Division, indicating the total number of paid and complimentary tickets for the program of matches.

(u) A promoter shall not sell or issue, or cause to be sold or issued more tickets of admission for any match or program of matches than can be accommodated by the seating capacity of the premises where the match or program of matches is to be held.

(v) The following criteria and procedure shall be used for the refunding of the purchase price of tickets:

- (1) The promoter shall refund the full purchase price of a ticket for a match or program of matches if:
 - (A) The match or program of matches is postponed or the main event or entire program of matches is cancelled; and
 - (B) The person presenting the ticket for refund has presented the ticket within 30 calendar days after the scheduled date of the cancelled match or program of matches.
- (2) Within 10 calendar days after the expiration of the 30-calendar day period, the promoter shall pay all unclaimed ticket receipts to the Division. The Division shall hold the funds in the State Boxing Division Revenue Account for one year and make refunds during that time to any person presenting a valid ticket for a refund.
- (3) Failure to comply with this Paragraph shall result in the forfeiture of the bond or other security and additional bond or additional security and revocation of the license of the promoter or co-promoter.

(w) The promoter shall retain all records necessary to justify and support the information submitted on any reports required by the Division for a period of two years following the date of the match or program of matches.

(x) The promoter shall provide at each program of matches the following:

- (1) A minimum of two physicians. The Division representative may waive the two physicians requirement and require only one physician based on consideration of the match type, number of contestants, and the experience, size and skill of the contestants participating the program of matches. The Division shall note these findings on Division forms and provide the promoter with a copy;
- (2) A portable defibrillator and canister of oxygen including all additional equipment necessary for proper operation;
- (3) An ambulance with two attendants; and
- (4) A clean stretcher and clean blanket which shall be in place at all times throughout the program of matches. No match shall begin or continue unless such equipment and personnel are on the premises, in a state of readiness and in a pre-designated readily assessable location known to the referee, physicians and the Division representative.

(y) The promoter shall have available at all times during the progress of a program of matches a person or persons capable of making emergency repairs, corrections and adjustments to the ring, lights and other necessary fixtures.

(z) The promoter shall supply the following items which shall be in good working order and available for use as needed:

- (1) A public address system;
- (2) Chairs, located in accordance with the floor plan;
- (3) A bell, positioned in a neutral location designated by the Division representative, for use by the timekeeper;
- (4) Two stools, a clean water bucket and a clean water container for drinking purposes for each contestant's corner;
- (5) Cleaning solution to clean blood and debris in the cage or ring. A solution of 10 percent bleach and 90 percent water is an acceptable solution; and
- (6) A complete set of numbered round cards, which shall be of such size as to make them legible from all parts of the arena.

(aa) The promoter for the match shall acquire the insurance coverage described in this Chapter and file with the Division written evidence of insurance no later than 72 hours prior to the date of the match. The evidence of insurance shall specify the name of the insurance company, the insurance policy number, the effective date of the coverage and evidence that each contestant is covered by the insurance. Any deductible associated with the insurance policy shall be paid by the promoter. If the promoter fails to provide evidence of insurance as required in this Chapter the permit shall not be issued or, if issued, the permit shall be suspended and the program of matches shall be canceled. Each contestant in a match held in North Carolina shall be covered by insurance for medical, surgical and hospital care for injuries sustained while engaged in a match. The coverage shall be for an amount not less than two thousand five hundred dollars (\$2,500) for each contestant.

*History Note: Authority G.S. 143-652.1; 143-655;
Temporary Adoption Eff. January 1, 1996;
Recodified from 18 NCAC 09 .0106 Eff. April 1, 1996;
Eff. April 1, 1996;
Transferred and recodified from 18 NCAC 09 Eff. November 8, 2002;
Amended Eff. December 1, 2009; March 1, 2008 (recodified from 14A NCAC 12 .0111(j));
November 1, 2004;
Transferred from 14A NCAC 12 .0404 Eff. June 1, 2013;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*