
Rules of
Department of Economic
Development
Division 40—Office of Athletics
Chapter 1—General Organization and Procedures

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**Title 4—DEPARTMENT OF
ECONOMIC DEVELOPMENT
Division 40—Office of Athletics
Chapter 1—General Organization and
Procedures**

4 CSR 40-1.010 General Organization

PURPOSE: This rule complies with section 536.023(3), RSMo, which states that each state agency shall adopt as a rule a description of its organization and general courses and methods of its operation and the methods and procedures where the public may obtain information or make submissions or requests.

(1) The Office of Athletics is organized as a section of the Division of Professional Registration, Department of Economic Development. The mailing address is Office of Athletics, P.O. Box 1335, Jefferson City, MO 65102. The director of the Department of Economic Development has the authority to make rules as are necessary for the administration and enforcement of Chapter 317, RSMo, pursuant to 317.006.1(1), RSMo.

(2) These rules have been adopted by the Office of Athletics, Department of Economic Development of Missouri to govern boxing, sparring and professional wrestling and full-contact karate exhibitions. The Office of Athletics, Division of Professional Registration has sole jurisdiction over all boxing, sparring, professional wrestling and full-contact karate exhibitions.

AUTHORITY: section 317.006, RSMo 1986. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed Aug. 28, 1980, effective Dec. 11, 1980. Rescinded and readopted: Filed April 30, 1982, effective Sept. 11, 1982. Amended: Filed March 2, 1989, effective May 11, 1989.*

**Original authority: 317.006, RSMo 1983.*

Op. Atty. Gen. No. 71, Pian (9-16-59). When a proposed public dinner, sponsored by a labor union at a hotel, at which a special feature is a boxing program, and the only tickets offered for sale or sold, were for dinner, Athletic Commission had no jurisdiction over said event and the sponsors were not required to secure the permission of or a license from the commission to hold the dinner.

Op. Atty. Gen. No. 19, Cooper (6-11-53). There can be no criminal prosecution for "booking" of professional wrestlers for wrestling show by unlicensed organization

which sponsored private wrestling show where such is prohibited by the rules of the Athletic Commission only and not by statute; administrative agencies are prohibited by Mo. Const. Art. 1, section 31 from imposing a fine or imprisonment for violation of administrative rules.

Op. Atty. Gen. No. 19, Cooper (1-31-52). Five percent gross receipts collected by Athletic Commission from regulated boxing, sparring and wrestling exhibitions is not applicable to theaters televising such events under exclusive rights. It is applicable to amounts received by promoters for television rights of every exhibition held in state.

4 CSR 40-1.020 Ticket Procedures
(Rescinded September 11, 1982)

AUTHORITY: section 317.020, RSMo Supp. 1981. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Rescinded: Filed April 30, 1982, effective Sept. 11, 1982.

4 CSR 40-1.021 Definitions

PURPOSE: This rule defines the terms used in these rules in the Code of State Regulations.

(1) Office—the Office of Athletics.

(2) Exhibition—an event, match, bout, contest, show or tournament where professional or amateur boxing, sparring, professional wrestling or full-contact karate takes place.

(3) Promoter—a person, association, partnership, corporation or organization licensed by the office who arranges, advertises or conducts amateur or professional boxing, professional wrestling and karate exhibitions and who is responsible for obtaining a permit for each exhibition and for payment of any state athletic taxes and production rights taxes.

(4) Official—referees, judges, matchmakers, managers, seconds (except seconds in amateur boxing), announcers, timekeepers and physicians involved in boxing, sparring, professional wrestling or full-contact karate exhibitions.

(5) State athletic tax—the tax of five percent (5%) of the gross receipts of any person, organization, corporation or association holding a license or permit under sections 317.001—317.021, RSMo, derived from admission charges connected with or incidental to the holding of any boxing, sparring,

professional wrestling or full-contact karate exhibition in this state, pursuant to section 317.006(4), RSMo.

(6) Production rights tax—the tax of one percent (1%) of the gross receipts of any person, organization, corporation or association holding a license or permit under sections 317.001—317.021, RSMo, derived from the sale, lease or other exploitation of broadcasting, television, closed-circuit telecast and motion picture rights for any boxing, sparring, professional wrestling or full-contact karate exhibition in this state, pursuant to section 317.006(5), RSMo.

(7) Sponsor—any person or organization whose name shall appear on any advertising as a sponsor of any athletic exhibition involving an amateur or professional boxing, karate or professional wrestling exhibition or who assumes responsibility for holding an exhibition in conjunction with the promoter.

(8) Referee—the person in charge of enforcing these rules during the exhibition of professional or amateur boxing, sparring, professional wrestling or full-contact karate.

(9) Judge—a person serving as a member of a panel for amateur or professional boxing and karate. The panel is responsible for determining a decision in each exhibition. Each judge in the panel shall reach a decision without conferring with the other judges of the panel.

(10) Matchmaker—a person responsible for matching the contestants as to weight and experience and ensuring that equipment required by the office is in its place.

(11) Announcer—a person responsible for announcing the names of the officials, the contestants, their correct weight, the decisions of the referee and judges during an exhibition.

(12) Second(s)—the person(s) at ringside during an exhibition responsible for ringside equipment before and during an exhibition.

(13) Physician—a person who is licensed by the office and as a physician under Chapter 334, RSMo for amateur or professional boxing, professional wrestling and full-contact karate.

(14) Timekeeper—a person responsible for keeping accurate time during each exhibition and also responsible for the knockdown count for boxing and karate.



(15) Contestant(s)—any human being who enters the ring to compete against another human being during an amateur or professional boxing, karate or professional wrestling exhibition. Nonhumans shall not be contestants.

(16) Manager—one who, for compensation, directs or controls the professional activities of any contestant.

(17) Wrestling—professional wrestling.

(18) Full-contact karate—any form of full-contact martial arts, including, but not limited to, kickboxing, kunfu, tae kwan-do or any form of self-defense conducted on a full-contact basis.

AUTHORITY: section 317.006, RSMo 1994. Original rule filed April 30, 1982, effective Sept. 11, 1982. Amended: Filed March 2, 1989, effective May 11, 1989. Amended: Filed July 25, 1994, effective Jan. 29, 1995. Emergency amendment filed Oct. 21, 1996, effective Oct. 31, 1996, expired April 28, 1997.*

**Original authority: 317.006, RSMo 1983.*

4 CSR 40-1.030 Custodian of Public Records

PURPOSE: This rule adds Custodian of Public Records to be in compliance with sections 610.010–610.030, RSMo. This rule sets forth the written policy in compliance with sections 610.010–610.030, RSMo, regarding the release of information on any decision made by the Department of Economic Development with regard to discipline or procedures of the Office of Athletics.

(1) The Office of Athletics, Division of Professional Registration, Department of Economic Development is a public governmental body as defined in Chapter 610, RSMo and adopts the following as its written policy for compliance with that chapter. This policy is open to public inspection and implements the provisions of Chapter 610, RSMo regarding the release of information of any meeting, record or vote which is not closed under provisions of Chapter 610, RSMo.

(2) All public records of the office shall be open for inspection and copying by any member of the general public during normal business hours (8:00 a.m. to 4:30 p.m., Monday through Friday, holidays excepted) except for the records closed under section 610.021, RSMo. All public meetings not closed under

this section will be open to any member of the public.

(3) The department establishes the executive director of the office as the custodian of its records as required by section 610.023. S/he is responsible for maintaining the office's records and responding to requests for access to public records.

(4) The department may charge a reasonable fee for document search and copying of requested records. The fees charged shall be as follows:

(A) A fee for document search (research) shall not exceed the actual cost of document search and shall be established by rule;

(B) A fee for copying public records shall not exceed the actual cost of duplication and shall be established by rule; and

(C) All fees collected shall be remitted to the Department of Revenue for deposit in the state treasury.

(5) Responding to Requests for Access.

(A) If the custodian is uncertain whether requested access to public records is required under Chapter 610, RSMo, s/he shall consult with the Office of the Attorney General before deciding whether to deny the access. If that contact by the custodian is not practicable or is impossible, s/he may make a decision to deny access pending consultation with the Office of the Attorney General and shall give this reason for delay to the person requesting the information within three (3) days. However, in those circumstances, the custodian shall consult with the Office of the Attorney General within five (5) working days of the decision.

(B) When access is denied, the custodian will comply with the requirements in section 610.023, RSMo concerning informing the individual requesting access to the records of the grounds for denying the request.

(C) When the person requesting access asks in writing that the request and denial be reviewed by the director of the Division of Professional Registration, the custodian shall supply to the director copies of the written response conveying the denial. The director shall recommend that the department either affirm or reverse the decision of the custodian. If the director recommends reversing the decision, s/he, with the approval of the department, shall direct the custodian to so advise the requesting person and supply the access to the information during regular business hours.

(D) When the custodian is uncertain about the division director's position regarding a request, s/he shall inform the person request-

ing access that the request is denied pending review by the director.

(6) The custodian shall maintain a file which will retain, for at least two (2) years, copies of all written requests for access to records and responses to the requests. This file shall be maintained as a public record of the office open for inspection by any member of the general public during regular business hours.

AUTHORITY: sections 610.010–610.030, RSMo 1986. Original rule filed June 30, 1989, effective Sept. 28, 1989.*

**Original authority: See the Missouri Revised Statutes.*

4 CSR 40-1.031 Fees for Document Search and Copying

PURPOSE: This rule establishes and fixes the various fees and charges authorized by Chapter 317, RSMo with regard to document search and copying of certain documents in order to comply with sections 610.010–610.030, RSMo.

(1) The following miscellaneous fees for certain services rendered by the Office of Athletics are established as follows:

(A) Photocopy Fees—(Office of Athletics public records) (per page) \$ 0.25;

(B) Document Search Fee—(Office of Athletics public records) (per hour) \$20.00; with a minimum fee of \$ 5.00;

(C) Access Fee—(public records maintained on computer facilities, recording tapes or discs, video tapes or films, pictures, slides, graphics, illustrations or similar audio or visual items or devices. Actual cost of reproduction plus document search fee) (per hour) \$20.00; with a minimum fee of \$ 5.00;

and

(D) Payment of any copying fees and search fees may be required before any information will be provided.

AUTHORITY: section 317.006, RSMo 1986. Original rule filed June 30, 1989, effective Sept. 28, 1989.*

**Original authority: 317.006, RSMo 1983.*