

SOUTHERN UTE INDIAN TRIBAL CODE

TITLE 27

PROFESSIONAL BOXING CODE

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TITLE 27

SOUTHERN UTE INDIAN TRIBAL CODE

PROFESSIONAL BOXING CODE

Article 1. GENERAL PROVISIONS

27-1-101. Legislative Declaration.

- (1) **Policy.** The Southern Ute Indian Tribal Council declares it to be the public policy of the Southern Ute Indian Tribe that:
 - (a) The success of professional boxing is dependent upon public confidence and trust that it is conducted safely, fairly and honestly.
 - (b) Public confidence and trust can only be maintained by regulation and control of all persons, practices, associations and activities related to professional boxing events or contests in compliance with applicable law.
 - (c) No applicant for a license has any right to a license or the granting of the approval sought. Any license issued or other Commission approval granted pursuant to the provisions of this Code is a revocable privilege, and no holder acquires any vested right therein or thereunder.
 - (d) The conduct and regulation of professional boxing will comply with all applicable federal and tribal law. The Commission shall promulgate rules and regulations to effectuate the provisions in the laws which address the regulation of professional boxing.
- (2) **Purpose.** The purpose of this Code is to further public confidence and to provide health and safety standards to protect the welfare of contestants by regulating all persons and practices relevant to the operation of live professional boxing and kickboxing events or contests on the Reservation.

27-1-102. Interpretation, Sovereign Immunity, Severability.

- (1) **Interpretation.** This Code does not abrogate or abridge any common law, statutory or other right to exclude any person from professional boxing events or contests, to eject any person from the event for any reason or to exercise the Tribe's right to exclude non-members under tribal law. Where the provisions of this Code conflict with the Colorado State Boxing Commission Rules, the provisions of this Code shall control.

- (2) **Sovereign Immunity.** Nothing in this Code shall be construed as waiving the sovereign immunity of the Tribe, the Commission, their agents, employees and officials.
- (3) **Severability.** The provisions of this Code are hereby declared to be severable, and if any provision is declared void, invalid, or unenforceable in whole or in part, this Code shall be construed as not containing such provision, and all other provisions which are otherwise lawful shall remain in full force and effect. However, nothing in this Code is intended nor shall be construed to violate the Act.

27-1-103. Definitions. For purposes of this Code, the term:

- (1) “Act” means the Professional Boxing Safety Act of 1996, 15 U.S.C. 6301-6313.
- (2) “Bout” means a match, exhibition or contest.
- (3) “Boxer registry” means any entity certified by the Association of Boxing Commissions for purposes of maintaining records and identification.
- (4) “Commission” means the Southern Ute Tribal Professional Boxing Commission.
- (5) “Contest” means a bout or exhibition of professional boxing or kickboxing.
- (6) “Contestant” means a boxer or kickboxer who engages in a contest for remuneration.
- (7) “Director” means the Director of the Southern Ute Professional Boxing Office assigned to carry out all duties.
- (8) “Disciplinary action” means to reprimand, suspend, revoke, fine, forfeit, deny or a combination thereof.
- (9) “Event” means a show or tournament.
- (10) “Exhibition” means a professional boxing or kickboxing match in which the participants display their skills and techniques without a decision being rendered.
- (11) “Kick” means a full contact attempt to a non-foul area of the body.
- (12) “Kickboxing” means engaging in martial arts fighting techniques using the hands and feet, the object of which is to win by a decision, knockout, or

technical knockout; for purposes of this Code, the term “boxing” includes kickboxing.

- (13) “Licensee” means any person who holds a license issued by the Commission.
- (14) “Official” means any person who performs an official function during a contest or exhibition.
- (15) “Person” means an individual, partnership, business trust, government or governmental subdivision or agency, estate, association, trust, for profit corporation, nonprofit corporation, organization, or any other legal entity or a manager, agent, servant, officer or employee thereof.
- (16) “Promoter” means any person, association, corporation, organization, or licensee primarily responsible for organizing, promoting and producing professional boxing or kickboxing contests.
- (17) “Purse” means the financial guarantee or any other remuneration for which contestants are participating in a contest and includes the contestant’s share of any payment received for radio broadcasting, television or motion picture rights.
- (18) “Reservation” means the Southern Ute Indian Reservation.
- (19) “Tribal Council” means the Southern Ute Indian Tribal Council.
- (20) “Tribe” means the Southern Ute Indian Tribe.

Article 2. PROFESSIONAL BOXING COMMISSION

27-2-101. Creation.

- (1) There is hereby created the Southern Ute Tribal Professional Boxing Commission. The Commission shall regulate boxing and kickboxing events and contests on the Reservation.

27-2-102. Membership.

- (1) **Size.** The Commission shall consist of five members who are appointed by the Tribal Council.
- (2) **Qualifications.** All members shall be of good character and shall not have been convicted of, or plead guilty to, any felony or boxing-related offense. At least one member shall have experience in professional boxing.

- (3) **Compensation.** Members shall receive compensation for serving on the Commission in an amount approved by the Tribal Council plus reimbursement for actual expenses incurred in the performance of Commission services.

27-2-103. Term. Commission members shall serve staggered 3-year terms, unless specifically appointed to a lesser term; provided, however, that no more than 2 terms shall end simultaneously and all members shall serve until their successors are appointed. Any member may be removed from office by the Tribal Council for misconduct, willful neglect of duty, or other just cause, after notice and hearing.

27-2-104. Conflict of Interest. No member of the Commission may belong to, contract with, or receive any compensation from any person who sanctions, arranges, or promotes a professional boxing event or contest or who otherwise has a financial interest in any active contestant currently registered with the boxer registry.

27-2-105. Supervision by Commission of Another Tribe or State. The Commission may enter into a contract with any professional boxing commission of a tribe or state to supervise a professional boxing event or contest on the Reservation or to carry out the provisions of this Code. The supervision of a professional boxing event or contest or regulation of professional boxing on the Reservation under this Code by a professional boxing commission of any state under a contract with the Commission shall not be construed as authorizing the extension of state law to the Tribe or the Reservation.

27-2-106. Powers and Duties of the Commission.

- (1) **Rules and Regulations.** The Commission shall promulgate rules or regulations relating to the regulation of the conduct, promotion and performance of professional boxing and kickboxing on the Reservation, and the implementation of this Code. Such rules or regulations shall be consistent with applicable federal law; shall be at least as restrictive as the standards and requirements of the State of Colorado; and shall include the following:

- (a) Number and qualifications of ring officials required at any exhibition or contest;
- (b) Requirements that fingerprints be obtained and criminal records be investigated for all ring officials;
- (c) Powers, duties and compensation of ring officials;
- (d) Administration, collection and enforcement of the fees imposed by this Code; and
- (e) Qualifications of licensees.

- (2) **Initial Regulations.** For purposes of this Code, the Tribe hereby adopts the Colorado State Boxing Commission Boxing and Kick boxing Permanent Rules (effective June 1, 2001) as the initial regulations of the Commission. Notwithstanding the adoption of the Colorado State Boxing Commission Rules, nothing in this Code shall prohibit the Commission from adopting additional or different tribal regulations not inconsistent with the Act or this Code.
- (3) **Contracts.** The Commission shall review all contracts between sponsors, licensees, promoters and contestants and ensure that they receive legal review before submitting them to the Tribal Council for approval.

27-2-107. Executive Director.

- (1) The Commission may employ an executive director, who shall not be a member of the Commission.
- (2) The director shall meet the following qualifications:
 - (a) Be of good character and not have been convicted of any felony or boxing-related offense.
 - (b) Not be engaged in any other profession or occupation that could present a conflict of interest with the duties of director of the office.

27-2-108. Jurisdiction. The Commission shall exercise sole direction, management, control and jurisdiction over any professional boxing events or contests, and no professional boxing event or contest may be conducted, held or given on the Reservation except in accordance with the provisions of this Code.

27-2-109. Prohibition of Prize Fights. Any professional boxing event or contest conforming to the requirements of this Code and to the rules and regulations of the Commission shall be deemed to be a professional boxing event or contest and not a prize fight.

27-2-110. Licensing.

- (1) **Licenses.** The Commission may issue, suspend and revoke licenses to conduct, hold or give a professional boxing event or contest in accordance with the rules and regulations prescribed by the Commission. No person shall be permitted to participate either directly or indirectly in any professional boxing event or contest unless that person has first obtained a license from the Commission.
- (2) **Applications.** Any application for a license must be in writing and correctly state the promoter. The application must be accompanied by an annual license fee to be fixed by the Commission.

(3) Bond.

- (a) Before any license is granted to a promoter, the promoter must file a bond in an amount fixed by the Commission but not less than \$5,000, with good and sufficient surety, and conditioned upon the faithful performance by the promoter of the provisions of this Code. In lieu of a bond, the applicant may deposit with the Commission a like amount of lawful money of the United States. If security is provided in the form of a savings certificate, certificate of deposit or investment certificate, the certificate must state that the amount is not available for withdrawal except upon order of the Commission.
- (b) If the Commission believes the requirement for a bond is inadequate, the Commission may require the promoter to make a deposit of money in an amount fixed by the Commission. The deposit must be made not less than 5 days before the professional boxing event or contest, and it may be used to satisfy any obligation incurred by the promoter during the staging of the professional boxing event or contest upon order of the Commission. After satisfaction of all such obligations, the Commission shall release the remainder of the deposit to the promoter.

(4) Licenses for Promoters, Contestants, Trainers, Ring Officials and Others.

- (a) All contestants, promoters, managers, seconds, trainers, referees, matchmakers, judges, timekeepers, announcers, inspectors and ring officials must be licensed by the Commission.
- (b) The Commission may deny an application for a license or grant a limited, restricted or conditional license for any cause deemed sufficient by the Commission.
- (c) An application for a license constitutes a request for a determination of the applicant's general suitability, character, integrity, and ability to participate or engage in, or be associated with a professional boxing event or contest. The burden of proof is on the applicant to establish to the satisfaction of the Commission that the applicant is qualified to receive a license. By filing an application with the Commission, an applicant accepts the risk of adverse public notice, embarrassment, criticism, financial loss or other action with respect to his/her application, and expressly waives any claim for damages as a result thereof. Any written or oral statement that is made by any member of the Commission or any witness testifying under oath which is relevant to the application and investigation of the applicant is absolutely privileged and does not impose

liability for defamation or constitute a ground for recovery in a civil action.

- (d) After an application has been submitted to the Commission, the application may not be withdrawn.
- (e) The Commission shall not issue a license for a professional boxing event or contest unless it is satisfied that the promoter is the real party in interest and intends to conduct, hold or give a professional boxing event or contest himself/herself, or unless the promoter receives at least 25% of the net receipts. A license may be revoked at any time the Commission finds that the promoter is not the real party in interest.

(5) Licenses for Physicians.

- (a) Physicians shall be licensed by the Commission authorizing them to officiate at a professional boxing event or contest; provided, however, any physicians so authorized must be licensed to practice medicine within the United States and hold a current state medical license in good standing.
- (b) A physician shall be certified and must maintain current certification to administer cardiopulmonary resuscitation (CPR).

27-2-111. Disciplinary Action.

- (1) **Suspension or Revocation of License.** The Commission may suspend or revoke a license when in the judgment of the Commission the licensee:
 - (a) Participates in any sham or fake professional boxing contest;
 - (b) Participates in a professional boxing contest pursuant to a collusive understanding or agreement in which the contestant competes in or terminates the professional boxing contest in a manner that is not based upon honest competition or the honest exhibition of the skill of the contestant;
 - (c) Is guilty of a failure to give his/her best efforts, a failure to compete honestly or a failure to give an honest exhibition of his/her skills in a professional boxing contest;
 - (d) Is guilty of an act or conduct that is detrimental to a professional boxing contest, including, but not limited to, any foul or unsportsmanlike conduct in connection with a professional boxing contest; or

- (e) Fails to comply with any limitation, restriction or condition placed on his/her license.
- (2) **Refusal of License.** The Commission may refuse to issue a license to an applicant who has committed any of the acts described above.

27-2-112. Hearings.

- (1) **Hearing Requirement.** Before suspension or revocation of a license, the Commission shall give the licensee the opportunity for a hearing and, upon request of the licensee and after reasonable notice.
- (2) **Hearing Procedure.** The Commission shall conduct a hearing on the suspension or revocation permitting the licensee to appear personally or by counsel, introduce evidence and examine and cross-examine witnesses. The Commission has the right to legal representation for license suspensions and revocations.
- (3) **Subpoenas.** The Commission may issue subpoenas in connection with any investigation or hearing, requiring the attendance and testimony of a licensee or other person whom the Commission believes to have information relevant to the investigation or hearing.
- (4) **Vote Required.** A majority vote of the members of the Commission is required to suspend or revoke a license.
- (5) **Findings and Order.** The Commission shall file a written report of its findings, determination and order and shall send a copy to the licensee within 30 days of the conclusion of a hearing.

27-2-113. Contracts.

- (1) **Copies.** Every contestant competing in a professional boxing contest shall be entitled to receive a copy of a written contract approved as to form by the Commission, binding the licensee to pay the contestant a certain fixed fee or percentage of the gate receipts.
- (2) **Filing.** One copy of the contract must be filed with the Commission and one copy must be retained by the licensee or promoter of the professional boxing contest.

27-2-114. Insurance. The Commission shall require insurance coverage for each contestant participating in a contest or event to provide for medical, surgical and hospital care for any injuries sustained while engaged in a contest or event, in an amount of \$50,000 or more.

27-2-115. Advance Against Purse. No promoter may pay or give any money to a licensee before any professional boxing contest as an advance against a contestant's purse or for a similar purpose, except that the promoter may, with the prior written permission of the Commission, pay or advance to a contestant necessary expenses for transportation and maintenance in preparation for a professional boxing event or contest.

27-2-116. Withholding of Purse.

- (1) **Grounds for Withholding.** The Commission may order the promoter to withhold any part of a purse or other money belonging or payable to any contestant, manager or second if, in the judgment of the Commission, the contestant is not competing honestly or to the best of his/her skill and ability or the contestant otherwise violates any rules or regulations adopted by the Commission or any of the provisions of this Code; or if the manager or second has violated any rules or regulations adopted by the Commission or any provision of this Code.
- (2) **Notice, Hearing, Forfeiture.** Upon the withholding of any part of a purse or other money pursuant to this section, the Commission shall immediately schedule a hearing on the matter, provide adequate notice to all interested parties and hold a hearing on the matter. If it is determined that a contestant, manager or second is not entitled to any part of his/her share of the purse or other money, the promoter shall pay the money over to the Commission and it shall be forfeited to the Tribe.

27-2-117. Weigh-Ins.

- (1) **Commission Presence.** The director or a member of the Commission shall be present at all weigh-ins, medical examinations, contests, and exhibitions and shall ensure that the rules and regulations are strictly enforced.
- (2) **Time.** Every contestant in a professional boxing contest or event shall be present and weighed in no later than 12:00 noon on the day of the professional boxing contest or event.

27-2-118. Length of Professional Boxing Event or Contest. No professional boxing event or contest may be more than 10 rounds in length, except for a championship event or contest, which shall not exceed 12 rounds. Each round must be not more than 3 minutes. There must be a rest period of 60 seconds between successive rounds.

27-2-119. Health and Safety Standards.

- (1) **Safety Standards.** No person may arrange, promote, organize, produce, or fight in a professional boxing event or contest without meeting the following requirements:
- (a) A licensed physician designated by the Commission shall give each contestant a thorough physical examination at the time of his/her weighing in before a professional boxing event or contest.
 - (i) If the physician determines that the contestant is unfit, the contestant shall not participate in the professional boxing event or contest and the physician shall immediately report his/her findings to the promoter and the Commission.
 - (ii) A contestant who is determined by a physician to be unfit to compete in a professional boxing event or contest must be immediately suspended by the Commission until the contestant shows that he/she is fit for professional boxing events or contests.
 - (iii) If the physician finds that a contestant is in good physical condition, the physician shall report his/her findings to the Commission before the commencement of the professional boxing event or contest.
 - (iv) The physician shall provide copies of the physical examination directly to the Commission before the professional boxing event or contest.
 - (v) The promoter shall provide the physician designated by the Commission with a suitable place to examine each contestant.
 - (b) The promoter shall procure insurance for each contestant to provide medical coverage for any injuries sustained in the professional boxing event or contest as required by this Code.
 - (c) A licensed physician must be continuously present at ringside during a professional boxing event or contest.
 - (d) A professional boxing event or contest shall not be held unless an ambulance and a person certified as an advanced emergency medical technician are present at ringside. The promoter, at his/her own expense, shall arrange to have emergency equipment on the premises where the professional boxing event or contest is to be held, which must include, but is not limited to, resuscitation equipment.

- (2) **Medical Standards.** The Commission shall adopt standards for the physical and medical examination of contestants that are comparable to the standards adopted by the State of Colorado.

27-2-120. Registration.

- (1) **Requirement.** Each contestant planning to participate in a professional boxing event or contest on the Reservation shall register with the Commission.
- (2) **Identification Cards.**
 - (a) The Commission shall issue an identification card for the purpose of registration pursuant to the Act to each contestant who applies. The contestant shall provide any information that is requested by the Commission.
 - (b) An identification card shall not be substituted for the license to engage in a professional boxing event or contest.
 - (c) A contestant shall present his/her identification card to the Commission at weigh-in for a professional boxing event or contest and at any other time ordered by the Commission.
- (3) **Penalties.** A person licensed by the Commission is subject to disciplinary action by the Commission, including civil penalties, if the person knowingly:
 - (a) Provides false information for an identification card or falsifies or attempts to falsify an identification card, or aids in such acts;
 - (b) Uses or attempts to use an identification card in an unlawful manner or in a manner that is not in the best interests of professional boxing, or aids in such use; or
 - (c) Otherwise violates the provisions of this Code.

27-2-121. Prohibited Substances. The Commission shall prohibit the administration of or use of any of the following in any part of the body, either before or during a professional boxing event or contest, to or by any contestant:

- (1) Alcohol;
- (2) Stimulant; or
- (3) Drug or injection that has not been approved by the Commission.

27-2-122. Suspension in Another Jurisdiction.

(1) **Recognition.** The Commission shall honor the suspension of a contestant by any agency that regulates professional boxing in another jurisdiction if the suspension is due to any of the following:

- (a) A recent knockout or series of consecutive losses;
- (b) An injury, requirement for a medical procedure, or physician denial of certification;
- (c) Failure of a drug test;
- (d) The use of false aliases, or falsifying, or attempting to falsify, official identification cards or documents;
- (e) A violation of a law or regulation governing professional boxing that would also be a violation of this Code or the Commission's rules or regulations;
- (f) Any other conduct which would discredit professional boxing on the Reservation, as determined by the Commission.

(2) **Grounds for Waiving Suspension.** The Commission may allow a contestant who is under suspension in any jurisdiction to participate in a professional boxing event or contest:

- (a) For any reason other than those listed in subsection (a) if the Commission notifies in writing and consults with the designated official of the suspending jurisdiction before the grant of approval for such contestant to participate in a professional boxing event or contest; or
- (b) If the contestant appeals to the Association of Boxing Commissions and the Association of Boxing Commissions determines that the suspension of such contestant was without sufficient grounds, for an improper purpose, or not related to the health and safety of the contestant.

27-2-123. Reporting. The Commission shall, not later than 48 business hours after the conclusion of a professional boxing event or contest, report the results and any related suspensions to the boxer registry.

27-2-124. Fees.

(1) **License Fees.** The Commission shall establish by rule or regulation annual license fees and additional fees as authorized by this Code.

- (2) **Additional Fees.** In addition to the payment of any other fees required by this Code, a promoter shall pay to the Commission a fee established by the Commission, which shall be no less than \$500 per event or contest.

27-2-125. Accounting.

- (1) **Accounting Procedures.** The Commission shall establish and maintain accounting procedures and systems in accordance with generally accepted accounting principles and internal controls for the effective and honest accounting of all revenues and fees.
- (2) **Deposit of Fees.** Except as otherwise provided by the Tribal Council, the proceeds of the license and additional fees imposed by this Code shall be deposited with the Tribal finance office and maintained as a separate line item. The fees collected under this Code shall be used for the administration and enforcement of this Code, including funding for the Commission.
- (3) **Expenditures.** Expenditures by the Commission shall only be made on vouchers issued and signed by the person designated by the Commission in accordance with a budget approved by the Tribal Council and in accordance with Tribal financial procedures.

Article 3. VIOLATIONS, PENALTIES, JUDICIAL REVIEW

27-3-101. Violations. It shall be a violation of this Code for any person:

- (1) To violate any rule or regulation of the Commission.
- (2) To act without having obtained the required license.
- (3) To make any false statement in an application for a license.
- (4) To fail or refuse to comply with a valid order of the Commission;
- (5) To use false aliases, or to falsify, or attempt to falsify, official identification cards or documents; or
- (6) To conduct himself/herself at any time or place in a manner which is deemed by the Commission to discredit professional boxing on the Reservation.

27-3-102. Penalties.

- (1) **Civil Penalties.** Any person who, directly or indirectly, violates any provision of this Code shall be subject to disciplinary action and/or a civil penalty in an amount up to \$10,000.

- (2) **Injunctions.** Whenever it appears to the Commission that a person has engaged in or is about to engage in an act or practice that violates this Code or a rule or regulation issued by the Commission, the Commission may bring an action in the Southern Ute Tribal Court to enjoin such acts or practices and to enforce compliance with this Code or any rule or regulation.

27-3-103. Judicial Review.

- (1) Final Commission actions may be reviewed by the Southern Ute Tribal Court.

TITLE 27
PROFESSIONAL BOXING CODE

History and Amendments¹

The Southern Ute Indian Tribal Professional Boxing Code adopted on October 4, 2001 (Resolution No. 2001-188).

Tribal Council superseded previously adopted code and adopted revised Professional Boxing Code and rules on November 6, 2001 (Resolution No. 2001-204).

Article 2, Sections 102 (3) and 103 amended on December 5, 2006 (Resolution No. 2006-275).

Title 27 – Professional Boxing Code repealed and replaced with a reformatted code for online publication (Resolution No. 2021-151), approved by the Bureau of Indian Affairs and effective on May 11, 2023.

¹ This page does not constitute an official part of any code. Information contained on this page is solely for informational and historical purposes and is from sources deemed reliable.