

523 CMR 21.00: DISCIPLINARY PROCEEDINGS

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21.01: Complaints

Any person may file a complaint against a licensee. All complaints relative to a licensee must be in writing on a form provided by the Commission. All complaints must be received by the Board within one year of the date of the alleged wrongdoing. The Commission may itself initiate a complaint at any time.

21.02: Basis of Complaint

A complaint must allege wrongdoing by a licensee in the form of a violation of 523 CMR, M.G.L. c. 147, or other act or omission that challenges the integrity of a sport regulated by the Commission.

21.03: Review and Investigation of Complaints

(1) Every complaint filed shall be reviewed by the Commission or its designee. If the reviewer determines that the complaint alleges a plausible potential violation by the licensee, a hearing shall be convened. The Commission may, if it elects, investigate a complaint prior to scheduling a hearing. Failure of a complainant to cooperate in the investigation shall be grounds for dismissal of a complaint.

(2) Upon receipt of a complaint, the Commission or its designee shall send a letter acknowledging receipt to the complainant and the licensee being complained of. A copy of the complaint and all attachments shall be forwarded to the license holder with the acknowledgment letter.

21.04: Notice of Hearing

If the Commission determines that a hearing shall be held to resolve a complaint, reasonable notice shall be provided to the complainant and the license holder. Mailing of notice to the address on record with the Commission, or emailing the notice to the address provided by the licensee on their application for licensure, shall be deemed satisfactory notice to the license holder. The notice of hearing shall contain:

- (1) The name of the complainant;
- (2) The date, time and place of said hearing; and
- (3) The location of the incident giving rise to the complaint.

21.05: Hearing

Hearings convened pursuant to 523 CMR 21.00 shall be conducted pursuant to 801 CMR 1.02: *Informal/Fair Hearing Rules* and M.G.L. c. 30A. Any party may be represented by legal counsel. All parties shall be permitted to present an opening statement, testify on their own behalf, cross-examine all witnesses, present any relevant witness testimony, present any relevant documentary evidence, and offer a closing argument. The Commission may question any witness and include any records kept by the Commission as exhibits. The Commission may conclude the hearing at any time and issue a decision based on the evidence presented.

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If a licensee does not appear for the hearing, the Commission may conduct a hearing in his or her absence and render a decision based upon the evidence presented, but only after making a finding that the licensee was provided notice as required by 523 CMR 21.04.

The Commission may designate a hearing officer from the Department of Public Safety to convene a hearing and either make a recommendation or issue a decision on its behalf.

21.06: Subpoenas

The Commission may issue a subpoena in accordance with M.G.L. c. 30A, § 12 requiring the attendance and testimony of witnesses and the production of any evidence, including books, records, correspondence or documents, relating to any matter in question in the proceeding.

21.07: Decisions and Discipline of License Holders

The Commission shall issue a written decision after the hearing. Decisions shall be issued in a reasonably prompt manner. The Commission may suspend a license for a fixed period of time, revoke a license permanently, or issue a reprimand the licensee. In conjunction with these disciplinary measures, pursuant to M.G.L. c. 147, § 42, the Commission may assess a fine of up to \$2000 per violation. Any license that is suspended or revoked shall be forwarded to the Commission immediately. A person whose license is revoked may apply in writing to the Commission for reinstatement no sooner than two years from the date of the revocation.

21.08: Appeals

Any person aggrieved by a decision of the Commission may appeal such decision to Superior Court in conformance with M.G.L. c. 30A, § 14.

REGULATORY AUTHORITY

523 CMR 21.00: M.G.L. c. 147, § 46.