Mr. O. Fred Lizenby
Secretary Athletic Commission
102 North Senate Avenue
Indianapolis, Indiana

Dear Sir:

I have your request for an official opinion which reads as follows:

"The State Athletic Commission, desiring to employ additional personnel for administering the statute hereinafter mentioned in regard to the inspection of boxing matches and wrestling exhibitions, submits the following questions and respectfully requests an opinion from the Attorney General on each.

1. Shall Sec. 25 of Chapter 93 of the Acts of 1931 be construed to limit the Commission to employing only one inspector or deputy to 'see that the rules of the commission and the provisions of this act are strictly observed, . . . '—or shall this section be taken to mean that at least one inspector or deputy shall carry out the duties mentioned?

2. Under the second paragraph of Sec. 3 of the above mentioned act, is the Commission authorized to employ additional personnel to carry out the duties of the inspector or deputy set forth in Sec. 25 and quoted in the paragraph next above?"

Section 25 of Chapter 93 of the Acts of 1931 to which you refer is as follows:

"The commission may appoint official representatives, designated as inspectors, each of whom shall receive from the commission a card authorizing him to act as such inspector wherever the commission may designate him to act. One (1) inspector or deputy shall be present at all boxing, sparring or wrestling matches or exhibitions, and see that the rules of the commission and the provisions of this act were strictly
observed, and shall also be present at the counting up of the gross receipts, and shall immediately mail to the commission the final box-office statement received by him from the person or officers of the club, corporation, or association conducting such exhibition."

The portion of Section 3 of that Act to which you refer is as follows:

"The commission may appoint, and at pleasure remove, not to exceed five (5) deputies, who shall be paid a per diem compensation not to exceed ten dollars ($10.00) for each day engaged in the discharge of their duties, and all necessary traveling and hotel expenses expended outside the city of Indianapolis. The commission shall, when it deems the same advisable, direct a deputy to be present at any place where sparring, boxing, or wrestling matches or exhibitions are to be held, pursuant to the provisions of this act. Such deputies shall ascertain the exact conditions surrounding such match or exhibition, and make a written report of the same in the manner and form prescribed by the commission. * * *"

It is clear from the Act that the duty of enforcing it is placed on the State Athletic Commission. Section 25 directs that in enforcing it one (1) deputy or inspector shall be present at each match. This section does not, however, prohibit more than one (1) person's attendance to enforce the Act and the Rules and Regulations promulgated pursuant to it. Section 25 puts no limit on the number of inspectors that may be appointed and Section 3 limits the number of deputies to not more than five (5).

Section 32 of the Act, same being Burns' 63-232 limits the total expenditures of the Commission to a sum not exceeding the revenues derived from its operation.

It is therefore my opinion that the Commission may appoint any number of inspectors and up to five (5) deputies as are necessary in their discretion for the enforcement of Chapter 93 of the Acts of 1931 and the Rules and Regulations promulgated pursuant to it.

NJB:mfl

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