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Approved: Antonio J. Colorado
Secretary of State
By: Assistant Secretary of State

COMMONWEALTH OF PUERTO RICO

DEPARTMENT OF RECREATION AND SPORTS

BYLAWS OF THE COMMISSION FOR COCKFIGHT AFFAIRS

PURPOSE

Ancient historians tell that cockfights began in Asia, probably in India or the Himalayas. In China, cockfights were played 1,400 years before Christ. This sport came to Spain in the 8th Century, being introduced by the Moorish.

The starting point of cockfight sport in Puerto Rico goes back to April 5, 1770, through a decree issued by the Spanish Governor, don Miguel de Muesas. In 1898, Cockfight Sport is prohibited under the American government.

In August 12, 1933, the prohibition is eliminated and cockfight is instituted as a sport. Since then, it has constituted one of the sport and recreational activity of biggest attraction, for tourist and the people in general. The quality of our roosters has been continually improving and today they are classified among the best of the world.

During the cockfighting season, the attendance to our cockpits exceeds 2,000,000 visitors. We shall implant a public policy that guarantees the purity of the matches performed.

It is necessary to create a central organism, which gathers the views of all the entities dedicated to "Cockfight Sport" and issue its recommendations about uniform criteria, with powers of administrative and quasi-judicial nature.

Is hereby created the Commission for Cockfight Affairs of Puerto Rico, which administrative and quasi-judicial powers are subject to the direct revision of the Secretary of the Department of Recreation and Sports, with the necessary authority and autonomy to permit that the normative purposes of theses Bylaws be realizable.

ARTICLE 1 - TITLE

These Bylaws shall be publicly and officially known as "Bylaws of the Commission for Cockfight Affairs of Puerto Rico."

ARTICLE II - LEGAL BASE AND APPLICABILITY

By virtue of the provisions of Act No. 98 of June 30, 1954, as amended; Act No. 126 of June 13, 1980, as amended in its Article 3; and Act 170 of August 12, 1988, known as Uniform Administrative Procedures Act, these Bylaws are promulgated.

ARTICLE III - DEFINITIONS

The following words and phrases shall have the significance herein expressed.

1.	D.R.D.	-	Refers to the Department of Recreation and Sports
2.	Secretary	-	Refers to the Secretary of the Department of Recreation and Sports
3.	Executive Secretary	-	Refers to the Executive Secretary of the Commission for Cockfight Affairs
4.	Commission	-	Refers to the Commission for Cockfight Affairs
5.	Quorum	-	Refers to the indispensable amount of commissioners present to take decisions.

ARTICLE IV - COMMISSION FOR COCKFIGHTS

SECTION 1 - CREATION

By virtue of the faculties granted to the Secretary of the Department of Recreation and Sports by Act No. 126 of June 13, 1980, as amended and the Administrative Resolution No. 89, it is hereby officially created the "Commission for Cockfight Affairs", from here on "The Commission", which shall be appointed by the Secretary of the Department of Recreation and Sports.

SECTION 2 - COMPOSITION

The Commission shall be composed of a group of five members of recognized moral solvency and widespread knowledge in the areas of interest of the cockfighting sport, who shall be appointed by the Secretary, who in turn, shall choose among them its president.

The Executive Director of the Cockfighting Division shall be member of the Commission, with right to voice and vote.

SECTION 3 - PERFORMANCE

The Commission shall be ruled in its internal organization and performance, by the provisions of these Bylaws.

When the President of the Commission can not attend any meeting and an Acting President has not been designated, then it shall be presided by the member appointed in agreement by the Commission.

The meetings of the Commission may be invited by its President or by a majority of its members, monthly or whenever it is necessary, according to the urgency of the cases to be solved.

ARTICLE V - DUTIES AND RESPONSIBILITY OF THE COMMISSION

SECTION 1 - GENERAL

The Commission shall have the following duties and responsibilities, delegated by the Secretary without prejudice of the functions required to each of its members.

a. Evaluate, solve and orientate in all matters related to Cockfight Sport.

b. Promote the clean, fair and equitable competence.

c. Design and recommend to the Secretary a program geared to promote Cockfighting Sport in Puerto Rico.

d. Promote the celebration of special activities such as cockfighting fairs, tournaments, competitions, contests.

e. Determine the requirements which all natural and juridical persons shall reunite to devote to any cockfighting activity.

f. Collaborate in the elimination of undesirable practices which obstruct and deteriorate the best development of cockfight sport in Puerto Rico.

g. Celebrate hearings, summon witnesses, take declarations and compel evidence presentation in the cases in which the adjudicative function is delegated to it.

h. Compel the strict compliance of all provisions contained in the Administrative and Cockfighting Bylaws, in coordination with the Cockfighting Division.

i. Impose by Bylaws the necessary and appropriate fines, suspensions and administrative penalties.

j. Hear and resolve the arising cases and controversies, as provided by Cockfighting Bylaws.

k. Certify and approve the licenses which regulates the Cockfight Sport in Puerto Rico.

l. Establish rules and procedures to consider the controversies in this sport.

ARTICLE VI - FACULTIES OF THE COMMISSION

As a faculty delegated by the Secretary, the Commission shall consider all those claims or controversies implying the sport, without prejudice to the Secretary's faculty of review.

The specific faculties conferred in this Article shall not be obstacle for the Commission to consider any other matter delegated by the Secretary for the benefit of the sport and the sportsmen.

ARTICLE VII - DECISIONS FROM THE COMMISSION

In exercising its duties, responsibilities and faculties, the Commission shall issue the pertaining decisions involving regulation, evaluation and orientation in Cockfight Sport, according to the provisions of these Bylaws and the Administrative and Cockfight Bylaws, and according to the procedures herein established.

SECTION 1 - "QUORUM"

For the Commission to take decisions, "quorum" shall be constituted by the presence of three (3) commissioners.

SECTION 2 - COMMISSIONERS' RECUSATION AND INHIBITION

By own initiative, or by recusation from a party, a Commissioner shall inhibit from participate in elucidating a controversy or procedure in any of the following cases:

a. For being interested in the result or having prejudice or partiality toward any of the parties or their lawyers.

b. For the existence of kinship, from blood or affinity, with any of the parties or their lawyers, within the fourth degree of blood or second degree of affinity.

c. For having being attorney or counselor of any of the parties in the controversy or their lawyers.

d. For the existence of a friendship of such a nature between the commissioner and any of the parties or their lawyers, which can reasonable shed doubt over the impartiality to adjudicate or which can undermine the public trust in the Commission.

Any recusation shall expose the facts in which it is founded and shall be sworn by the claimant. Said recusation shall be filed before the Commission, with copy to the Legal Division and the Office of the Secretary as soon as the claimant comes to knowledge about the cause for recusation.

SECTION 3 - JURISDICTION AND RANGE OF ITS DECISIONS

The Commission shall have the faculty to consider and resolve, without being it understand as a limit, in controversies related to others; with the qualification, participation, rules application, sanctions rights of licenses pertaining the cockfighting sport, in its benefit and interest and in accordance to the elemental principles of justice and equity.

The Commission may act based on oral or written reports from the parties and whenever necessary to reach a fair and equitable decision. Witness can be any person who, to the Commission's judgement, has the knowledge of the facts in controversy or who can serve as an expert in the procedure.

If the summon or order issued by the Commission was not duly complied with, the Secretary may appear before the Superior Court of Puerto Rico to request an order for compliance with the summon. The Court shall appoint the curse and dispatch of said petition and may issue and order making compulsory the appearance of the witnesses or the presentation of facts and information previously required by the Secretary. The Superior Court shall have faculty to punish for contempt the disobedience of said orders.

No person shall refuse to comply a summon from the Commission or to produce the required evidence or refuse to answer any question related to any study or investigation, by reason that the

evidence required could be self-incriminatory, or could expose him/her to lose his/her job, profession or occupation, but the testimony or evidence produced by said person by request of the Secretary or by virtue of the judicial order, shall not be used or presented as evidence against him/her in any criminal procedure, or in civil or administrative procedures which may result in his/her destitution or suspension from his/her job, profession or occupation.

All information obtained as result of an investigation practiced by the Commission shall have public character, except that incriminating the deponent or that otherwise is non-admissible evidence under the Rules of Evidence. Also, the private character of every information which the parties in a controversy desire to keep as private, shall be kept. In elucidating the controversy, the Commission may use recorded tapes and the member who did not have contact with the oral evidence passed at the administrative hearing, if celebrated, may get acquainted with said evidence by the use of said recorded tapes.

The Commission shall prepare a report on each submitted controversy, which shall have the following elements:

a. Summary of the claim or controversy

b. Summary of the evidence presented

c. Conclusions De Facto

d. Determinations De Jure

e. Decisions and Recommendations

The report shall contain the result, in numeric terms, about voting by the Commission and shall be certified and signed by all participating commissioners.

The Commission shall be empowered to summon witnesses, require production of documents and other information and may inspect records, documents and physical structures of persons which are directly involved in the controversy.

ARTICLE VIII - CLAIMS AND CONTROVERSIES SUBMISSION

SECTION 1 - VOLUNTARY JURISDICTION

Submission of any claim or controversy before the Commission is voluntary and the issuance of its decisions is of a rogatory character. Nevertheless, once the process is initiated, the Commission may continue with it and issue a decision in absence of any party, unless an express dismissal of action mediates.

SECTION 2 - FORMS

Any person who wants to submit a claim or controversy under the provisions of these Bylaws shall file a written document before the Department of Recreation and Sports according to the provisions of Act 170 of August 12, 1988, known as the Uniform Administrative Procedures Act and of the bylaws issued under it. In the extend that the circumstances of the case permit so, the claim shall be conformed to the forms which are integral part of the Bylaws for Uniform Administrative Procedures, adopted by the Department of Recreation and Sports.

SECTION 3 - PAYMENT OF DUES

The parties shall attach to the application the corresponding payment of twenty dollar ($20) to the order of the Secretary of the Treasury to be paid by the promoter.

SECTION 4 - SERVICE OF NOTICE

The Claimant shall service copy to the other party, be it personally or by certified mail, where he/she notifies the controversy. Said service shall be made part of the record, before the Commission, with real proof of said service.

SECTION 5 - TERM TO REPLY TO SAID NOTICE

The party or parties so notified shall have twenty (20) days since the receipt of the notice to write his/her document, filing at the same time, a reply or responsive allegation to the document under which a decision is requested.

If not received in the Department of Recreation and Sports a reply within the before stated term, it shall be understood that the party is in contempt. It is provided that the Commission may accept any reply out of the term herein established, if the lateness does not damages substantial rights of the party.

Whenever the circumstances reguires so, due to the urgency to solve a controversy or by any other reason of extreme weight, the Secretary may summon the Commission, after the parties implied in it notify him about their allegations orally.

ARTICLE IX - EVIDENCE ADMISSIBILITY AND SUFFICIENCY, PROCEEDINGS

The parties may offer the evidence they desire and present that additional proof the Commissioners believe necessary to understand and determine the questions object of the controversy.

The commissioners shall decide the pertinence of the proof offered by the parties and its acceptation, without having to adjust to the Rules of Evidence. It is provided that it shall neither be obligatory for the members of the Commission to follow the Rules of Civil Procedures to conduct the proceedings.

SECTION 1 - RIGHTS OF THE PARTIES

The parties in a controversy submitted to the Commission shall have the right to be represented by attorney during the procedure, but, in case of being indigent, the Commission shall be compelled to offer legal assistance. Also they shall have the right to examine and cross-examine witnesses and to present all that proof

by witnesses and documents which they believe favorable to their contention. The parties are guaranteed of all the other rights acknowledged in administrative proceedings.

SECTION 2 - TAPE RECORDINGS, TRANSCRIPTIONS

The proceedings shall be recorded in recording tape or taken by a stenographer, allowing the parties to use their own recording equipment. The declarations at the hearings shall not be necessarily transcribed, except under requirement of an interested party, in which case the party requesting the transcription shall pay its cost. If the Commission considers that the required transcription will unreasonably interrupt the development of the procedures, it may denied them.

ARTICLE X - TERM AND WAY OF THE DECISION

SECTION 1 - TERM

The term to issue a decision shall be the one reasonable expected from the submitted controversy, without exceeding from six months after filing the claim, except in exceptional circumstances.

SECTION 2 - WAY

The decision shall be stated in a way that comprises the Conclusions De Facto and Determination De Jure according to the Law, Bylaws, Rules, Order or Public Policy involved, taking in consideration the evidence submitted, their merits, applying the principles of justice and equity outstanding to the case without prejudice to the public welfare.

The decision shall be issue in written and shall be signed by the Commissioners, who shall deliver a copy of it to each parties and the Secretary.

ARTICLE XI - JUDICIAL RECONSIDERATION AND REVIEW

All parties adversely affected by a final resolution from the agency may request reconsideration according to the provisions in Section 3.15 of Act 170 of August 12, 1988, as amended.

The parties adversely affected by a partial or final resolution or order, may present a motion for reconsideration to said resolution or order, within the term of twenty (20) days after the date the notice of the resolution or order was filed in records. The agency shall consider the motion within the fifteen (15) days after it was presented. If the agency denies it flatly and does not act within these fifteen (15) days, the term to request revision shall begin to be counted again since that denial is notified or after those fifteen (15) days expire, as the case may be. If no determination in its consideration is taken, the term to request revision shall begin to count from the date in which a copy of the Agency's notice of resolution, where the motion is definitively solved, which resolution shall be issued and filed in records within the ninety (90) days following the filing of the motion. If the Agency does not take an action in relation to the Motion for Reconsideration within the ninety (90) after being taken a motion for resolution, it shall lose jurisdiction over it and the term to request judicial revision shall begin to count from the expiration of the ninety (90) days term, unless the Court, for just cause, authorizes the agency an extension to solve, for a reasonable time.

The reconsideration motion shall be jurisdictional to request a judicial revision.

ARTICLE XII - INCLUSIVE PROVISION

By means of this Article are included to these Bylaws the provisions regarding Act 126 of June 13, 1980, Act 170 of August 12, 1988, known as the Uniform Administrative Procedures Act of Puerto Rico, the Bylaws to Establish the Regular Rules, the

Procedures for Adjudication in the Department of Recreation and Sports and the Recreational Development Company, the Bylaws for Terms to transact Licenses, Permits, Endorsements and Similar Authorizations, any rule, order or declaration of public policy the Secretary may issue in the future, without prejudice to acquire rights, if any.

ARTICLE XIII - ADMINISTRATIVE SANCTIONS, ORDERS AND FINES

Prior notice and hearing, the Secretary may impose an administrative fine, as recommended by the Commission, up to five thousand dollars ($5,000), for violations to the provisions of these Bylaws or any issued order.

ARTICLE XIV - DEROGATORY CLAUSE

By this Article, all Rules or Bylaws in force at the date this Bylaws are published are derogated.

ARTICLE XV - SEPARABILITY CLAUSE

The declaration of a competent Court that any provision of these Bylaws is invalid, null or unconstitutional, shall not affect its remaining provisions which shall preserve their full validity and effect.

ARTICLE XVI - ENFORCEMENT

These Bylaws shall be in force thirty (30) days after its filing at the Department of State.

In San Juan, Puerto Rico, this 5th day of March, 1990.

LEONARDO GONZALEZ RIVERA
Secretary