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BEFORE THE IDAHO STATE ATHLETIC COMMISSION

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OCCUPATIONAL LICENSES

In the Matter of the License of:	)	
	)	Case No. ATC-2007-3
JARED D. JEFFCOATE,	)	
License No. ATB-51,	)	**FINDINGS OF FACT,**
	)	**CONCLUSIONS OF LAW AND**
Respondent.	)	**RECOMMENDED ORDER**
	)	

Having reviewed the Complaint and other documents in this matter, the Hearing Officer hereby enters the following Findings of Fact, Conclusions of Law, and Recommended Order:

FINDINGS OF FACT

1. Jared D. Jeffcoate, aka Jerod Jeffcoate (hereinafter "Respondent") is licensed by the Idaho State Athletic Commission (hereinafter "Commission") under License No. ATB-51 as a boxer. Respondent's license expired on October 12, 2007, and Respondent's license was canceled as of October 13, 2007. Respondent has not renewed his license; however, pursuant to Idaho Code § 67-2614, Respondent retains the right to renew his license for up to five (5) years after cancellation by paying the required fees. Respondent's license is subject to the provisions of title 54, chapter 4, Idaho Code, and the Commission's rules promulgated at IDAPA 03.01.01, *et seq*.

2. On March 30, 2009, a formal administrative Complaint was filed in this matter with the Commission. Said Complaint is expressly incorporated herein and made a part hereof.

3. Copies of the Complaint, along with the Notification of Procedural Rights, were sent to Respondent on March 30, 2009, by means of the United States Mail, postage prepaid, both by certified mail, return receipt requested, and by regular mail. The mailings were addressed to Respondent at his most recent known address:

Jerod Jeffcoate
7706 Gardener Lane
Garden City, ID 83714

4. The mail was returned to the sending office with the notations "not deliverable as addressed" and "unable to forward" by the post office. The sending office has been unable to locate a more current address for Respondent.

5. The Notification of Procedural Rights informed Respondent that, under statutes and rules applicable to such proceedings before the Commission, Respondent needed to file a formal Answer to the Complaint within twenty-one (21) days of service of the Complaint and that failure to timely file an Answer to the Complaint or otherwise defend against the action would constitute a default and would be sufficient grounds for proceeding administratively against Respondent's license without the necessity of conducting a hearing.

6. On 5/18, 2009, a Notice of Proposed Default Order and Default Order, along with another copy of the Complaint and Notification of Procedural Rights, were sent to Respondent by means of the United States Mail, postage prepaid, both by certified mail, return receipt requested, and by regular mail, at the following address:

Jerod Jeffcoate
7706 Gardener Lane
Garden City, ID 83714

7. Respondent failed to contest entry of the proposed Default Order within seven (7) days of service of the Notice of Proposed Default Order.

8. Concurrent herewith, a Default Order was entered against Respondent. Therefore, the allegations contained in the Complaint on file in this matter are admitted as true without the necessity of conducting a hearing.

9. As detailed in the incorporated Complaint, on December 15, 2006, Respondent was scheduled to appear at an event at the Qwest Arena in Boise, Idaho, and had signed a contract to appear at that event. Respondent failed to appear at the event as scheduled, causing his bout to be canceled.

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/ / /

CONCLUSIONS OF LAW

1. As a licensed boxer in the State of Idaho, Respondent is subject to the jurisdiction of the Commission and to the provisions of title 54, chapter 4, Idaho Code.

2. The Complaint was sent to Respondent at the most recent known address for Respondent. Respondent was duly and lawfully given notice of proceedings against his license pursuant to the provisions of IDAPA 04.11.01.055.

3. Respondent's failure to plead or otherwise defend in this action authorizes the Commission, pursuant to Idaho Code § 67-5242(4) and IDAPA 04.11.01.700, to enter an Order of Default which is as lawful as if all the allegations in the Complaint were proved or admitted at a hearing.

4. Respondent's acts as detailed in the incorporated Complaint constitute violations of Idaho Code § 54-418 (any licensee who violates any rule of the Commission shall be penalized) and Commission Rule 206 (any combatant who fails to appear in an event in which the combatant signed a contract to appear, without a written excuse determined to be valid by the Commission or a certificate from a physician designated by the Commission in advance in case of physical disability, is subject to disciplinary action), thereby authorizing the Commission to impose sanctions against Respondent.

ORDER

Based upon the foregoing, it is the recommendation of the Hearing Officer that the Commission take such action as it deems appropriate consistent with the Findings of Fact and Conclusions of Law stated above.

DATED this 5th day of June, 2009.

Paul S. Penland
Hearing Officer

NOTICE OF DUE PROCESS RIGHTS

This is a recommended order of the Hearing Officer. It will not become final without action of the Commission. Any party may file a petition for reconsideration of this recommended order with the Hearing Officer issuing the order within fourteen (14) days of the service date of this order. The Hearing Officer issuing this recommended order will dispose of any petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. *See* Idaho Code § 67-5243(3).

Within twenty-one (21) days after (a) the service date of this recommended order, (b) the service date of a denial of a petition for reconsideration from this recommended order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this recommended order, any party may in writing support or take exceptions to any part of this recommended order and file briefs in support of the party's position on any issue in the proceeding.

Written briefs in support of or taking exceptions to the recommended order shall be filed with the Commission. Opposing parties shall have twenty-one (21) days to respond. The Commission may schedule oral argument in the matter before issuing a final order. The Commission will issue a final order within fifty-six (56) days of receipt of the written briefs or oral argument, whichever is later, unless waived by the parties and for good cause shown. The Commission may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of June, 2009, I caused to be served a true and correct copy of the foregoing by the following method to:

Jerod Jeffcoate 7706 Gardener Lane Garden City, ID 83714	☒ U.S. Mail ☐ Hand Delivery ☒ Certified Mail, Return Receipt Requested ☐ Overnight Mail ☐ Facsimile: _____
Karl T. Klein Deputy Attorney General P.O. Box 83720 Boise, ID 83720-0010	☐ U.S. Mail ☐ Hand Delivery ☐ Certified Mail, Return Receipt Requested ☐ Overnight Mail ☐ Facsimile: _____ ☒ E-mail: karl.klein@ag.idaho.gov

Paul S. Penland
Hearing Officer