



**THE ATTORNEY GENERAL
OF TEXAS**

**JIM MATTOX
ATTORNEY GENERAL**

July 26, 1990

Mr. Larry E. Kosta
Executive Director
Texas Department of Licensing
and Regulation
P. O. Box 12157
Austin, Texas 78711

LO-90-46

Dear Mr. Kosta:

You ask whether it is the duty of the Department of Licensing and Regulation or the Secretary of State to enforce the Texas Boxing and Wrestling Act, article 8501-1, V.T.C.S.

Section 8(c) of the Boxing and Wrestling Act is the only provision that mentions the secretary of state. That section provides:

The registration of a wrestling promoter shall be made on a form furnished by the secretary of state and shall be accompanied by the registration fee set by the secretary of state in an amount reasonably necessary to cover the administrative costs of registration. The registration application shall be accompanied by a \$5,000 surety bond to be filed with the secretary of state.

It appears from that provision that the only function of the secretary of state in regard to the regulation of boxing and wrestling is to provide a mechanism for the registration of wrestling promoters.

In contrast, the Department of Licensing and Regulation has broad authority under the Boxing and Wrestling Act. Section 4(a) provides:

The department shall have the sole jurisdiction and authority to enforce the provisions of this Act, and the commissioner

shall investigate any allegations of activity
which may violate the provisions of the Act.

It is clear from that provision that enforcement of the
Boxing and Wrestling Act is the responsibility of the
Department of Licensing and Regulation.

Very truly yours,



Sarah Woelk, Chief
Letter Opinion Section

SW/lcd

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