

**BEFORE THE NEW MEXICO
ATHLETIC COMMISSION**

)	
)	
IN THE MATTER OF:)	
)	
JOHN D. HERRERA)	
)	CASE NO. 15-08-05
Respondent.)	CASE NO. 15-08-06
)	
LICENSE NO.: 07023)	
_____)	

**PRE-NCA SETTLEMENT AGREEMENT
AND WAIVER OF HEARING RIGHTS**

WHEREAS, the New Mexico Athletic Commission (the Commission) has issued a Notice of Investigation to the Respondent and a request for a Notice of Contemplated Action (NCA) to the Office of the Attorney General;

WHEREAS, the Parties wish to resolve this matter in an amicable fashion without the need for a formal hearing:

THE PARTIES STIPULATE AND AGREE AS FOLLOWS:

1. The Respondent is licensed as a Professional Boxer.
2. The Commission has jurisdiction over this matter pursuant to the Professional Athletic Competition Act ("PACA"), NMSA 1978, § § 60-2A-1 to-33 and thereby has the power to act allowed by, and in accordance with PACA.

3. Respondent enters into this Pre-NCA Settlement Agreement and Waiver of Hearing Rights (Settlement Agreement) voluntarily and knowingly waving their right to a hearing pursuant to Athletic Commission provisions 15.6.16.11 NMAC.

4. This Settlement Agreement is subject to the approval of the Commission. If the Commission rejects this Settlement Agreement, this matter will be heard for actual discipline at a later time, date and place to be set by the Commission, and any statements made by either party in support of this Settlement Agreement may not be used at a hearing before the Commission.

5. Respondent understands and acknowledges that they have a right, at their own expense, to consult with an attorney of their own choosing about this proposed settlement before entering into this settlement, and that the Commission's prosecutor so advised Respondent.

7. As a resolution of this matter, Respondent does not contest the Commission's assertion of their violation of the Commission's rules and regulations and/or statutory provisions as alleged in the Request for a Notice of Contemplated Action and thus, agrees to the following action:

a. *Respondent agrees to submit to drug testing for his next three (3) fights in New Mexico;*

b. *Respondent agrees to bear the full costs such of testing;*

c. *If any of Respondent's drug tests return with a positive result for any banned substance, the Respondent will agree to an immediate suspension of his license pending the outcome of a formal complaint;*


d. *At the termination of the three (3) successful drug testing results related to scheduled fights in New Mexico, the Commission agrees to resolve the matter in full and to release the Respondent from the administrative prosecution of the allegations contained in the Request for a Notice of Contemplated Action.*

8. Respondent understands and agrees that if, after approval of this Settlement Agreement, the Commission receives credible information that Respondent has violated this Settlement Agreement, the Commission then may seek disciplinary action, pursuant to statutory provisions NMSA 1978, §§ 60-2A-14(A)-(B) "Suspension; Revocation of Licenses" and NMSA 1978, §§ 60-2A-8 "Jurisdiction Over Professional Contests."

9. Respondent has read this entire agreement and fully understands each provision. Their signature below acknowledges that they knowingly, intelligently and freely agree with the terms and conditions of agreement.

10. This Settlement Agreement constitutes a full and complete resolution of all claims and defenses that either party did raise or should have raised in this matter.


IT IS SO STIPULATED AND AGREED:



JOHN D. HERRERA, Respondent

2-8-16

Date



JOSE G. PUENTES, Assistant Attorney General

2-9-16

Date



GAVIN PANTOJA, Commission Chair

2-9-16

Date