

BEFORE THE NEW MEXICO ATHLETIC COMMISSION

**IN THE MATTER OF:
MARCOS DOMINGUEZ-SERVIN,
PROFESSIONAL BOXER, License No. 10684**

Respondent.

Case No. AC 17-1-COM

DEFAULT ORDER

THIS MATTER came before a quorum of the New Mexico Athletic Commission (hereafter “the Commission”), at a regular meeting held on November 14, 2017, with a quorum present and all commissioners voting in the affirmative in the above-referenced matter, the Commission finds as follows:

FINDINGS OF FACT

1. On June 13, 2017, the Commission voted to refer the case to the Attorney General’s Office for the issuance of a Notice of Contemplated Action (“NCA”).
2. On July 20, 2017, a Notice of Contemplated Action (“NCA”) against Respondent, Marcos Dominguez-Servin, was sent stating the Commission found sufficient evidence to take disciplinary action which may include suspending or revoking of Respondent’s license and/or imposing fees, penalties and/or fines based on alleged violations of the Professional Athletic Competition Act (“PACA”), NMSA 1978, §§60-2A-1 to -33 and/or rules and regulations adopted pursuant thereto.
3. Pursuant to NMAC 15.6.16.1-19, NMSA 1978, § 60-2A-14 (A)-(B) and NMSA 1978, § 60-2A-8, Respondent was advised under the NCA that should he fail to respond

within the time and manner prescribed by law, the Commission would take the contemplated action and this action would be final.

4. The Commission mailed the NCA in case number AC-17-2-COM to the Respondent via certified mail (no. 9171969009350078262123), return receipt requested, to Respondent's at 5002 West Pinchot Avenue, Phoenix, AZ 85031, his last known address of record on file with the New Mexico Athletic Commission.

5. Respondent failed to respond to the NCA and did not request a hearing on the matter within the timeframe prescribed by law.

CONCLUSIONS OF LAW

Based on the above findings of fact, the Commission reaches the following conclusions:

1. The Commission has jurisdiction over Respondent and the subject matter of this proceeding pursuant to the Professional Athletic Competition Act ("PACA"), NMSA 1978, §§ 60-2A-1 to -33, NMAC 15.6.16.1 to-19 and NMAC 15.6.15.1- to 20.
2. Respondent was properly served with the NCA.
3. The Commission considers the matter and disposes of it on the basis of the evidence before it if Respondent fails to respond, as contemplated by NMSA 1978, § 60-2A-14, NMAC 15.6.16.1 to-19 and NMAC 15.6.15.1- to 20.
4. Respondent did not request a hearing and failed to respond in the time and manner prescribed by law.


5. The Commission has complied with all notice and other procedural requirements of the "PACA," NMAC 15.6.16.1 to-19 and NMAC 15.6.15.1- to 20.
6. The Commission may suspend or revoke a license by default action if an individual chooses not to contest a NCA and appear before the Board in a disciplinary proceeding.
7. The Commission, having reviewed the allegations and evidence on record, finds that there is sufficient evidence to justify the Commission in taking action against Respondent as contemplated in the NCA.

ORDER

Based on these findings and conclusions **IT IS THEREFORE ORDERED** that:

1. Respondent's license is hereby **SUSPENDED** for a period of one year effective from the date of this final order;
2. Respondent shall appear in front of the Commission before his license may be reinstated; and
3. Respondent shall pay a fine in the amount of \$1,000.00 and the suspension shall not be lifted until the fine is paid in full.
4. **IT IS SO ORDERED.**

DATE 1/9/18



GAVIN PANTOFIA, Chairman
NEW MEXICO ATHLETIC COMMISSION

JUDICIAL REVIEW


This Order constitutes a final decision for purposes of initiating any contemplated judicial review pursuant to the provisions of NMSA 1978, Section 39-3-1.1. An aggrieved party has the right to judicial review of this Order by filing a notice of appeal under Rule 1-074 NMRA within thirty (30) days of the date of filing of the final decision.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Default Order was mailed by certified mail to:

Marcos Dominguez-Servin
50002 West Pinchot Avenue
Phoenix, AZ 85031

Certified Mail No. 9171 9690 0935 0078 2620 55
Return Receipt requested

By: 
Laura Romero Halama, Team Leader
New Mexico Athletic Commission
P.O. Box 25101
Santa Fe, NM 87504

BEFORE THE NEW MEXICO ATHLETIC COMMISSION

**IN THE MATTER OF:
MARCOS DOMINGUEZ-SERVIN,
PROFESSIONAL BOXER, License No. 10684**

Case No. AC 17-1-COM

Respondent.

NOTICE OF CONTEMPLATED ACTION

YOU ARE HEREBY NOTIFIED that the New Mexico Athletic Commission (hereinafter referred to as “the Commission”) has before it sufficient evidence which, if not rebutted or satisfactorily explained at a formal hearing, will justify the Commission in taking disciplinary action against MARCOS DOMINGUEZ-SERVIN (hereinafter “Respondent”), which may include further suspension or revocation of your license, and/or the imposition of fees, penalties and/or fines pursuant to the Professional Athletic Competition Act and/or rules and regulations adopted pursuant thereto.

APPLICABLE LAW

This action arises under the Professional Athletic Competition Act (“PACA”), NMSA 1978, §§ 60-2A-1 to-33 NMSA. Respondent is licensed pursuant to PACA and as such, is subject to the jurisdiction of the Commission. The Commission has sufficient evidence which, if not rebutted or explained, will justify the Commission in suspending or revoking Respondent’s license and/or imposing discipline pursuant to NMSA 1978, §§ 60-2A-14(A)-(B) “Suspension; Revocation of Licenses” and pursuant to NMSA 1978, §§ 60-2A-8 “Jurisdiction Over Professional Contests”, which provide in pertinent part:

NMSA § 60-2A-14. Suspension; Revocation of Licenses.

A. The commission may suspend or revoke any license when in its judgment the licensee:

- (1) participated in any sham or fake professional contest;

- (2) is guilty of a failure to give his best efforts in a professional contest;
- (3) is guilty of any foul or unsportsmanlike conduct in connection with a professional contest; or

B. Before revocation of a license, the commission shall afford the licensee opportunity for a hearing, and upon request of the licensee and after reasonable notice, the commission shall conduct a hearing on the revocation, permitting the licensee to appear personally and by counsel, introduce evidence and examine and cross-examine witnesses.

NMSA § 60-2A-8. Jurisdiction of Commission over Professional Contests.

The commission shall have sole direction, management, control and jurisdiction over all professional contests to be conducted, held or given within New Mexico, and no professional contest shall be conducted, held or given in this state except in accordance with the provisions of the Professional Athletic Competition Act.

15.6.16.13 NMAC, Imposition of Fines: The commission may, in its discretion impose fines for violations of the laws of the state of New Mexico or of the commission's rules and regulations (15.6 NMAC). In the event that the licensee has a fine imposed upon his license by the commission, the commission may, in its discretion, suspend the license until the fine has been paid.

Evidence indicates that Respondent violated the above-cited statutes and more specifically the following statutory and regulatory provisions which provide, in pertinent part:

NMSA § 60-2A-14. Suspension; Revocation of Licenses.

A. The commission may suspend or revoke any license when in its judgment the licensee:

- (3) is guilty of any foul or unsportsmanlike conduct in connection with a professional contest.

15.6.4.15 NMAC, Duty to Report Offer to Conduct Sham or Collusive Contest:

A. A licensee must immediately report to the commission any circumstance, situation, or occurrence where he has been approached with an offer, request, or suggestion to participate in, contribute, or aid and abet in any manner, a sham or collusive contest; or to participate in any contest that is not to be conducted honestly or fairly.

SUMMARY OF THE EVIDENCE AGAINST RESPONDENT

1. On or about March 7, 2017, members of Respondent MARCOS DOMINGUEZ-SERVIN'S camp sent email correspondence to Athletic Commission Director, Richard Espinoza, indicating that Respondent was making his professional debut.

2. On or about April 1, 2017, Respondent participated in a boxing bout held in Albuquerque, New Mexico. Prior to this fight Respondent misrepresented that this event would be his professional debut.

3. On or about April 3, 2017, Director Espinoza discovered that Respondent was not making his professional debut but had, in fact, participated in four different fights prior to representing that he was making his professional debut.

4. On information and belief, Respondent engaged in unsportsmanlike conduct by participating in a contest that was not conducted honestly or fairly.

5. By engaging in the above-referenced conduct, Respondent violated the general provisions of the Professional Athletic Competition Act (PACA) NMSA 1978, § 60-2A-14(A)-(B), NMSA 1978, § 60-2A-8 and more specifically NMSA 1978, § 60-2A-14(A)(3) and 15.6.4.15 NMAC.

IF YOU WOULD LIKE THE OPPORTUNITY FOR A FORMAL HEARING ON THIS MATTER, YOU MUST RESPOND TO THIS NOTICE WITH A REQUEST FOR A HEARING WITHIN TWENTY (20) DAYS. The response must be sent to the Commission in writing, by certified return receipt mail requested to the address below. Failure to respond will result in the Commission taking the contemplated action, and this action will be final.

Please send your response to:

Laura Romero-Halama
Compliance Officer, Team Leader
Boards & Commissions Division
Regulation and Licensing Department
P.O. Box 25101
Santa Fe, NM 87504

The formal hearing, if requested, will be conducted pursuant to the New Mexico Athletic Commission provision **15.6.16.11 NMAC**. The licensee is specifically advised as follows:

15.6.16.11 NMAC RIGHTS OF PERSON ENTITLED TO HEARING. A Respondent entitled to be heard under 15.6.16.11 Athletic Commission provisions has the following rights: They may represent themselves before the Commission or its duly appointed hearing officer; Respondent also has the right to be represented by counsel; present all relevant evidence by means of witnesses and books, papers, documents and other evidence; and to examine all opposing witnesses who appear on any matter relevant to the issues; and to have subpoenas and subpoenas duces tecum issued for the attendance of witnesses and the production of relevant books, papers, documents and other evidence upon making written request to the Commission. The issuance of such subpoenas after the commencement of the hearing rests in the discretion of the Commission as outlined in NMSA 1978, § 60-2A-15.

DATE: July 20, 2017



Gavin Pantoja
Commission Chair
New Mexico Athletic Commission

Prepared by:

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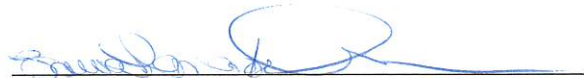
CERTIFICATE OF SERVICE

A true copy of this Notice of Contemplated Action was mailed to Respondent MARCOS DOMINGUEZ-SERVIN by U.S. Postal Service Certified Mail, return receipt requested, and e-mail on this 20th day of July 2017.

MARCOS DOMINGUEZ-SERVIN
5002 West Pinchot Avenue
Phoenix, AZ 85031
Aztecaboxing1988@yahoo.com

Certified Mail No. 9171 9690 0935 0078 2621 23
Return Receipt Requested

By:


Laura Romero Halama, Team Leader
New Mexico Athletic Commission
P.O. Box 25101
Santa Fe, NM 87504

From: Romero, Laura, RLD
To: ["aztecaboxing1988@yahoo.com"](mailto:aztecaboxing1988@yahoo.com)
Subject: New Mexico Athletic Commission - Marcos Dominguez-Servin (Case #AC17-1-COM)
Date: Thursday, July 20, 2017 3:16:00 PM
Attachments: [Notice of Contemplated Action \(NCA\).pdf](#)

Good afternoon.

Attached is a Notice of Contemplated Action issued to Marcos Dominguez-Servin by the New Mexico Athletic Commission. It was mailed to him today via certified mail, return receipt to the last known address on record (5002 West Pinchot Avenue, Phoenix, AZ 85031).

Thank you.

**Laura Romero Halama,
Team Leader**

New Mexico Regulation & Licensing Department
Boards & Commissions Division
P.O. Box 25101
Santa Fe, NM 87504
Phone: (505) 476-4622 / Fax: (505) 476-4645
E-Mail: laura.romero@state.nm.us
Web Address: www.rld.state.nm.us

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Track Another Package +

Remove X

Tracking Number: 9171969009350078262123



In-Transit

Updated Delivery Day: Tuesday, July 25, 2017 ⓘ

Product & Tracking Information

See Available Actions

Postal Product:

Features:

Certified Mail™

DATE & TIME

STATUS OF ITEM

LOCATION

**Reminder to Schedule
Redelivery of your item
before August 8, 2017**



This is a reminder to arrange for redelivery of your item before August 8, 2017 or your item will be returned on August 9, 2017. You may arrange redelivery by using the Schedule a Redelivery feature on this page or may pick up the item at the Post Office indicated on the notice.

July 25, 2017, 10:48 am

Notice Left (No Authorized
Recipient Available)

PHOENIX, AZ 85031

July 25, 2017, 8:23 am




Out for Delivery

PHOENIX, AZ 85031

DATE & TIME	STATUS OF ITEM	LOCATION
July 25, 2017, 8:13 am	Sorting Complete	PHOENIX, AZ 85031
July 25, 2017, 7:16 am	Arrived at Unit	PHOENIX, AZ 85031
July 24, 2017, 11:00 pm	Departed USPS Regional Facility	PHOENIX AZ DISTRIBUTION CENTER
July 22, 2017, 6:19 am	Arrived at USPS Regional Facility	PHOENIX AZ DISTRIBUTION CENTER
July 21, 2017, 3:07 am	Departed USPS Facility	ALBUQUERQUE, NM 87101
July 20, 2017, 7:55 pm	Arrived at USPS Facility	ALBUQUERQUE, NM 87101

[See Less](#) 

Available Actions

Text Updates	
Email Updates	
Schedule Redelivery	

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