

**BEFORE THE STATE OF NEW MEXICO
ATHLETIC COMMISSION**

IN THE MATTER OF:

**Case Nos. AC-18-03-COM
AC-18-04-COM**

**DEREK L. PEREZ,
PROFESSIONAL BOXER, License No. ACB08360,
PROFESSIONAL MIXED MARTIAL ARTS, License No. ACPM06690,
TRAINER, License No. ACT09115,**

Respondent.

DEFAULT ORDER

THIS MATTER, having come before the New Mexico Athletic Commission (Commission) on December 11, 2018, and with a quorum present and a unanimous vote in the affirmative, the Commission finds as follows:

1. In accordance with the Uniform Licensing Act (ULA), NMSA 1978 Section 61-1-1 through -32, a Notice of Contemplated Action (NCA) was served upon Respondent Derek L. Perez on October 20, 2018, via certified mail, USPS number 7013 0600 0001 8695 6662 to Respondent's address located at 19645 Highway 314, Belen, New Mexico 87002.
2. The NCA stated that the Commission has sufficient evidence that Respondent engaged in unsportsmanlike conduct on April 20, 2018 and May 12, 2018. It also stated that the allegations, if not rebutted or satisfactorily explained at a formal hearing, would justify the Commission in taking disciplinary action against Respondent, including a fine or action against Respondent's licenses.
3. The NCA further stated that failure to respond and request a hearing would result in the Commission taking the contemplated action.

4. Section 61-1-5 of the ULA provides that where a notice is served via certified mail, “it shall be deemed to have been served on the date borne by the return receipt showing delivery” NMSA § 61-1-5.
5. Respondent Derek Perez failed to request a hearing within the 20 days of receipt of the NCA, as required under NMSA Section 61-1-4.
6. Pursuant to the provisions of the ULA—specifically NMSA Section 61-1-4(E)—if Respondent does not request a hearing, the Commission may proceed to take the action contemplated in the NCA and such action shall not be subject to judicial review.
7. It is thus adjudged that Respondent Derek Perez did fail to respond to a properly served NCA in case numbers AC-18-03-COM and AC-18-04-COM and is therefore found to be in default.

IT IS THEREFORE ORDERED that **EACH LICENSE ISSUED TO RESPONDENT** Derek L. Perez by the New Mexico Athletic Commission (professional boxer # ACB08360, professional mixed martial arts # ACPM06690, and trainer # ACT09115) **SHALL BE SUSPENDED FOR 180 DAYS**. The suspension of each license shall commence on the signature date, below, and continue for 180 days and **UNTIL RESPONDENT APPEARS BEFORE THE COMMISSION**. After 180 days from the signature date below, Respondent may appear before the Commission to request the reinstatement of his licenses. **No license will be reinstated until the 180 suspension has passed and the Respondent has appeared before the Commission to request such reinstatement.**

Failure to comply with this Order may result in further disciplinary action, up to and including license revocation and fines.

12/18/2018

Date



Gavin Pantoja, Chairman
NM Athletic Commission

CERTIFICATE OF SERVICE

I certify that a true and correct copy of this Default Order was sent to Respondent Derek L. Perez by certified mail, return receipt requested, to the address below on the 18th day of December, 2018.

DEREK L. PEREZ
19645 HIGHWAY 314
BELEN, NM 87002

Certified Mail No.: 7013 0600 0001 8695 6648



Laura Romero Halama, Compliance Liaison
New Mexico Athletic Commission
2550 Cerrillos Road
Santa Fe, NM 87504

BEFORE THE NEW MEXICO ATHLETIC COMMISSION

IN THE MATTER OF:

DEREK L. PEREZ,

PROFESSIONAL BOXER, License No. ACB08360

PROFESSIONAL MIXED MARTIAL ARTS, License No. ACPM06690

TRAINER, License No. ACT09115

Case Nos. AC 18-03-COM

AC 18-04-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 DERREK L. PEREZ (hereinafter “Respondent”), which may include further suspension or revocation of your licenses, 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
 - (4) is guilty of participating in an event while under the influence of illegal drugs.
- 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.

Evidence indicates that Respondent may have violated the above cited statutes and more specifically the following statutory provision which provides, 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.

SUMMARY OF THE EVIDENCE AGAINST RESPONDENT

1. On or about April 20, 2018, Respondent DEREK L. PEREZ participated in a Professional Boxing weigh-in at Buffalo Wild Wings in Hobbs, New Mexico.
2. On information and belief, Respondent engaged in unsportsmanlike conduct by “pushing Jeremiah Castillo (AKA Paco) in the chest hard enough causing Paco to land on his back and falling over the table on to the floor.” *See* Statement of Complaint.
3. On information and belief, the unsanctioned act of aggression by Respondent was deescalated and stopped before either party could take any further violence.
4. On or about May 12, 2018, Respondent DEREK L. PEREZ was involved in an incident at the School of Hard Knocks event in Clovis, New Mexico.
5. On information and belief, Respondent committed unsportsmanlike conduct by engaging in the following behavior after the fight was called, “taunting the fighter in the ring, telling him to get his fat ass up among other things.” *See* Statement of Complaint.
6. On information and belief, Respondent engaged in a physical altercation with another member of the public audience and also threw a water bottle at that same person. Due to Respondent’s behavior, he was eventually escorted out of the venue by police. *Id.*
7. 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).

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: October 18, 2018



Gavin Pantoja
Commission Chair
New Mexico Athletic Commission

Prepared by:

Jose G. Puentés
Assistant Attorney General
New Mexico Attorney General's Office
408 Galisteo Street
Post Office Drawer 1508
Santa Fe, NM 87501
(505) 490-4859
jpuentes@nmag.gov


CERTIFICATE OF SERVICE

A true copy of this Notice of Contemplated Action was sent to Respondent DEREK PEREZ by certified mail, return receipt requested, on this 19th day of October, 2018.

DEREK PEREZ
19645 Highway 314
Belen, NM 87002

Certified Mail No.: 7013 0600 0001 8695 6662
Return Receipt Requested

By: _____


Laura Romero Halama, Compliance Liaison
New Mexico Athletic Commission
2550 Cerrillos Road
Santa Fe, NM 87505

USPS Tracking® FAQs > (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

Track Another Package +

Remove X

Tracking Number: 70130600000186956662

Expected Delivery on

MONDAY

22 OCTOBER 2018 **by 8:00pm**

Delivered

October 22, 2018 at 11:55 am
Delivered, Left with Individual
BELEN, NM 87002

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

OFFICIAL USE

Postage	\$	
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		

Postmark Here

Derek Perez
19645 Highway 314
Belen, NM 87002

2999 5698 1000 0090 ETO2

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <input type="checkbox"/> Date of Delivery</p> <p>C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</p>	
<p>1. Article Addressed to:</p> <p>Derek Perez 19645 Highway 314 Belen, NM 87002</p> <p>9590 9402 3782 8032 0709 74</p>		<p>3. Service Type <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery</p>	
<p>2. Article Number (Transfer from service label)</p> <p>7013 0600 0001 8695 6662</p>		<p>PS Form 3811, July 2015 PSN 7530-02-000-9053</p> <p>Domestic Return Receipt</p>	