

BEFORE THE NEW MEXICO ATHLETIC COMMISSION

IN THE MATTER OF:

**AUSTIN M. WOURMS,
MIXED MARTIAL ARTS ,
License No. 08862**

Respondent.

**Case No. AC 15-08-08 COM
and AC-16-09 COM**

AMENDED DEFAULT ORDER

THIS MATTER came before a quorum of the New Mexico Athletic Commission (hereafter “the Commission”), at a regular meeting held on February 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 January 24, 2017, the Commission issued a Notice of Contemplated Action (“NCA”) against Respondent Austin M. Wourms, 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, more specifically, NMSA 1978, §60-2A-14(A)-(B), NMSA 1978, §60-2A-14(A)(4) and NMAC 15.6.15.12.

2. Pursuant to NMAC 15.6.16.1-19 and NMSA 1978, Section 60-2A-14, 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.

3. The Commission mailed Respondent the NCA in case number AC 15-08-08 COM and AC 16-09 COM via certified mail (no. 9171969009350078264394), return receipt requested, to Respondent's at 5507 Southfork Rd, Carlsbad, NM 88220, his last known address of record on file with the New Mexico Athletic Commission.

4. 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, Section 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 by February 18, 2017 as such, Respondent 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 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 hundred-eighty (180) days effective December 14, 2017 (date when immediate suspension was imposed);
2. Respondent shall appear in front of the Commission before his license may be reinstated;
3. Respondent shall submit to drug testing at Respondent's expense at his next three (3) unarmed combat contests after his license is reinstated; and

4. Should any drug test come back positive, it shall be deemed a third violation/occurrence under the Professional Athletic Competition Act ("PACA"), NMSA 1978, §§ 60-2A-1 to -33 and/or rules and regulations adopted pursuant thereto.

IT IS SO ORDERED.

June 15, 2017
DATE



GAVIN PANTOJA, Chairman
NEW MEXICO ATHLETIC COMMISSION

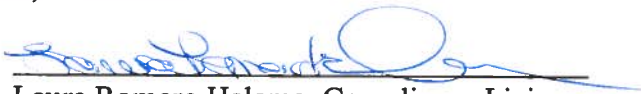
CERTIFICATE OF SERVICE

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

Austin M. Wourms
5507 Southfork Rd.
Carlsbad, NM 88220

Certified Mail No. 9171 9690 0935 0078 2621 30
Return Receipt Requested

By:



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