

GOVERNMENT OF GUAM
Office of the Governor
Agana, Guam

EXECUTIVE ORDER NO. 68-17


AMENDMENT NUMBER 2 TO RULES AND REGULATIONS OF THE
COCKPIT LICENSE BOARD

WHEREAS, Section 26102, Government Code of Guam, authorizes the Cockpit License Board to recommend to the Governor reasonable rules and regulations for the purpose of supplementing the provisions of law dealing with cockfighting; and

WHEREAS, Said Section 26102, Government Code of Guam, authorizes the promulgation of such rules and regulations by Executive Order;

NOW, THEREFORE, by virtue of the foregoing, the attached Amendment Number 2 to Rules and Regulations of the Cockpit License Board are hereby approved and promulgated to be effective the date hereof, and Executive Order Numbers 19-59 and 63-23 are amended as indicated herein.

Dated at Agana, Guam, this 11th day of
September, 1968.


DENVER DICKERSON
Acting Governor of Guam

COUNTERSIGNED:


RUDOLPH G. SABLAN
Acting Secretary
of Guam

AMENDMENT NUMBER 2
TO
RULES AND REGULATIONS OF THE COCKPIT LICENSE BOARD

1. Paragraph 2.3 of Executive Order No. 63-23, Rules and Regulations of the Cockpit License Board, is hereby amended to read as follows:

"2.3 Bid Requirements: Amara License. Each bid for an Amara License (cockfights in which cocks have knives attached to the spurs) shall be submitted in a sealed envelope, using either the prescribed Bid Form Appendix No. 2 for individuals, or the prescribed Bid Form Appendix No. 2A for corporations, and shall be accompanied by the following which shall be submitted separately:

(a) A deposit of \$25.00, in cash or certified check, which shall not be returned;

(b) A deposit of \$50,000, in cash or certified check, which shall be returnable in its entirety to any and all unsuccessful bidders;

(c) Satisfactory proof of United States citizenship of the individual bidder or satisfactory proof of due incorporation under the laws of the territory of Guam of the corporate bidder;

(d) A sworn statement of eligibility, using the form Appendix 4 for an individual bidder, or the form Appendix 4A for a corporate bidder;

(e) If the bid is by a partnership or corporation, a sworn statement indicating all the officers and directors, names, ages, occupations, and addresses, which shall be attached to the bid form when submitting a bid for an Amara License.

2. A new paragraph, Paragraph 2.3.1, is hereby added to Rules and Regulations of the Cockpit License Board:

"2.3.1 Bid Requirements: Balentia License. Each bid for a Balentia License (cockfights in which cocks do not have knives attached to the spurs) shall be submitted in a sealed envelope, using the prescribed Bid Form Appendix No. 2B and shall be accompanied by the following, which shall be submitted separately:

(a) A deposit of \$10.00, in cash or certified check, which shall not be returned if the bidder is not awarded the license;

(b) A deposit of \$40.00, in cash or certified check, which amount, with the deposit under (a) hereof, constitutes the minimum bid which can be received, which shall be applied to the amount of the bid if the bidder is awarded the license, and which shall be returned if the bidder is not awarded the license;

(c) A bid bond in the sum of \$50.00, using the form Appendix No. 2, guaranteeing payment of the amount of the bid within five days after award of a license; or, in lieu of such bond a deposit of \$30.00, in cash or certified check;

(d) Satisfactory proof of United States citizenship of the individual bidder or satisfactory proof of due incorporation under the laws of the territory of Guam of the corporate bidder;

(e) A sworn Statement of Eligibility, using the form Appendix 4 for an individual bidder, or the form Appendix 4A for a corporate bidder."

3. Paragraph 2.7 of Executive Order No. 19-59, Rules and Regulations of the Cockpit License Board, is hereby amended to add the following:

"2.7 Payment: Amara License. Within 150 days after award of the amara bid, the successful amara bidder shall make payment of any balance due, either in cash or by certified check, after application of deposit required by Item (b) in Section 2.3 hereof. Upon failure to make payment as herein required, forty percent (40%) of the \$50,000 deposit (\$20,000) shall be forfeited as liquidated damages, and the award shall be cancelled and the Board shall call for new bids.

Payments: Balentia License. Within five (5) days after award of a license, successful bidders shall make payment of any balance due, either in cash or by certified check, after application of the deposits required by Items (a) and (b) in Section 2.3.1 hereof. Upon failure to make payment as herein

required, appropriate action shall be commenced to enforce payment. In addition, appropriate action shall be commenced to enforce payment of the bid bond (or forfeiture of the deposit of \$50.00 in lieu of such bond) as liquidated damages by reason of the delay in payment. If payment of the full amount of the bid is not completed within 150 days after the award, such award shall be automatically cancelled and the Board shall call for new bids. No refund shall be made in such event as to any amount paid on the bid, or any part thereof, nor relieve the bidder of his obligation to pay any balance due on the bid. All such sums shall be retained by the Government as liquidated damages for failure to perform."

4. Paragraph 2.10 of Executive Order No. 19-59, Rules and Regulations of the Cockpit License Board, is hereby amended to read as follows:

"2.10 Failure to Qualify Acceptable Cockpit. If the successful bidder of the amara license fails to qualify an acceptable cockpit, pursuant to Paragraphs 2.12 and 2.13 of these regulations, within six (6) months after being notified to his successful bid, the award may be cancelled if after hearing the Board so determines, and the Board shall call for new bids. Fifty percent (50%) of the minimum bid (\$25,000) shall be refunded and fifty percent (50%) of the minimum bid (\$25,000) shall be retained by the Government as liquidated damages.

If a licensee (Balentia) fails to qualify an acceptable cockpit within six (6) months after the issuance of his license, such license shall be automatically cancelled. No refund shall be made in such event of the amount of the bid or any part thereof. All such sums shall be retained by the Government as liquidated damages."

5. Subparagraph (a) of Paragraph 2.19 of Executive Order No. 19-59, Rules and Regulations of the Cockpit License Board, is hereby amended to read as follows:

"(a) At the end of each month, a report in a form prescribed by the Board shall be submitted by all licensees to the Cockpit License Board."

6. Subparagraph (g) of Paragraph 3.1 of Executive Order No. 19-59, Rules and Regulations of the Cockpit License Board, is hereby amended to read as follows:

"(g) Pay a license fee of \$10.00."

7. A new Chapter H is hereby added to the Rules and Regulations of the Cockpit License Board.

"H. Additional Requirements for operating Amara Cockpit.

8.0 An Amara licensee is required to distribute to all persons attending cockfights, brochures describing cockfighting, types of cockfights, hours of operation, names of the Cockpit Board members, how the cockpit is regulated, and a history of cockfighting in Guam.

8.1 Whenever outside betting (betting other than through the official bet collector) is reported to the Board on a complaint form, or when an agent or member of the Board or a peace officer reports outside betting, such matter shall cause the Board to convene and decide on the report and if the Board determines that there was outside betting, the Board may suspend the Amara Cockpit licensee not to exceed six months for the first offence and in addition the Board may require the owner to place a surety bond to assure that there will be no future outside betting and that the surety bond shall not exceed \$5,000.00 and that the Board may forfeit any or all of the \$5,000.00 bond upon any subsequent violation. The Board, however, must inform the Amara Cockpit Licensee within five (5) days before such hearing and the cockpit owner may be represented by an attorney and may produce witnesses. The hearing shall be in accordance with the provisions of the Administrative Adjudication Act, Title 25 of the Government Code of Guam.

8.2 Bets must be made only through the bet collector in cash.

8.3 Owners, managers, assistant managers, concession operators, or any person connected with the operation of an amara cockpit

shall not officiate in cockfights as referee and any violation of this rule shall be grounds for suspension or revocation of the license, subject to the Administrative Adjudication Act. No licensee of an amara cockpit shall directly or indirectly enter a cock owned by such licensee in any fight.

8.4 The building where amara cockfights are to be conducted under this license should be attractive, convenient, and space must be provided especially for women; the building must also be properly ventilated, air conditioned, and it should conform to the building requirements of the Department of Public Works, Department of Public Safety, and the Department of Public Health and Social Services. This building structure must have adequate space which can accommodate at least 1,000 persons, and must represent an initial investment of not less than \$300,000. The building must also have adequate space for stand-by roosters, space for roosters to receive treatment and space for keeping roosters killed during cockfights.

8.5 The amara licensee may make announcements of major cockfights at least three days before such cockfights and the results of all cockfights may also be published in a newspaper of general circulation within 48 hours after such cockfights, indicating the owner of the roosters, the breed and color of the rooster, time and date the cockfight took place and the name of referee who officiated such cockfight.

8.6 The amara pits must be so constructed to keep out any unauthorized persons inside the pit and any unauthorized persons found inside the pit shall be removed and failure of the referee to enforce this regulation shall be grounds for suspension or revocation of his license. The height of the fence of the amara pit shall be not less than six feet, and access to the pit must be indicated to show entrance and exit.

8.7 The licensee is required to see that copies of the Cockpit Board Rules and Regulations are posted on the premises and shall give, without charge, a copy to any patron on demand.

8.8! Protest must be made immediately after the decision of the referee and the referee shall immediately announce such protest. No protest shall be entertained by the Board if this provision is not complied with.

8.9 Protest fee. All protests must be accompanied by a \$25.00 fee. The fee shall be deposited to the General Fund and shall not be refunded.


8.10 Referees must pass an examination conducted by the Licenses and Registration Unit, Department of Finance, before a referee is issued a license by the Board.

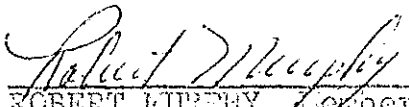
8.11 Consuming liquor or any other form of drink within the pit or ring is prohibited and the amara licensee shall be responsible to see that this regulation is enforced.


Pursuant to the authority vested in the Cockpit License Board by Chapter 2, Title XXVII, Government Code of Guam, the foregoing Amendment Number 2 to the Rules and Regulations of the Cockpit License Board are forwarded herewith to the Governor of Guam, with the recommendation that it be promulgated by Executive Order.

Dated this _____ day of September, 1960.

COCKPIT LICENSE BOARD


V. G. MUNOZ, Chairman


ROBERT MURPHY, Member


J. T. GUTIERREZ, Member