

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
DEPARTMENT OF BUSINESS REGULATION  
RACING AND ATHLETICS DIVISION  
1511 PONTIAC AVENUE, BUILDING 69-1  
CRANSTON, RHODE ISLAND 02920

IN THE MATTER OF: :  
 :  
ROBERT W. HERSEY, : DBR No. 12RA106  
 :  
RESPONDENT. :

**EMERGENCY SUSPENSION ORDER**

Pursuant to R.I. Gen. Laws §§ 41-5-1 *et seq.*, 42-35-14(c), and Racing and Athletics Regulation 1 entitled *Boxing* (“RA 1”) Section 5, the Director (“Director”) of the Rhode Island Department of Business Regulation (“Department”) issues to Robert W. Hersey (“Respondent”) this Emergency Order (“Order”) Suspending his boxing Manager license. This Order shall be effective upon issuance.

Upon receipt of a written request for a hearing on or before December 28, 2012, a hearing officer will be appointed by the Director and the matter will be set down for hearing. The Director will promptly notify the Respondent of the time and place for any hearing. If no hearing is requested and none is ordered by the Director, this Order shall become permanent on December 28, 2012 and will be in effect unless or until it is modified or vacated by the Director or the Director’s successor.

The Director makes the following findings of fact and conclusions of law with respect to entry of this Order:

1. Respondent is licensed by the Department as a boxing manager pursuant to R.I. Gen. Laws §§ 41-5-1 *et seq.* (“License”).
2. Respondent is the Manager for licensed Boxer A<sup>1</sup> who is scheduled to fight on Thursday, November 29, 2012 at Twin River located in Lincoln, Rhode Island.
3. All licensed boxers are required to obtain medical clearance in order to comply with the Department’s *Promoters Procedures*:  
  
([http://www.dbr.ri.gov/documents/divisions/commlicensing/boxing/RA-Promoter\\_Procedures.pdf](http://www.dbr.ri.gov/documents/divisions/commlicensing/boxing/RA-Promoter_Procedures.pdf) .
4. On November 27, 2012, the Department obtained medical information from Respondent that was later confirmed to be fraudulent. The Respondent submitted a letter indicating information about Boxer A’s health that was untrue, on an unauthorized and on altered, copied letterhead, with the physician’s name misspelled (“Fraudulent Medical Letter”).
5. The Department contacted the medical office indicated on the Fraudulent Medical Letter and confirmed with the actual medical office that: Boxer A was examined but not by a cardiologist as required by the Department and as communicated to Respondent. The Fraudulent Medical Letter indicated that Boxer A was examined by a cardiologist.
6. Respondent’s submission of the Fraudulent Medical Letter constitutes dishonest, unsafe, and unethical conduct that jeopardizes the health and safety of boxers under his management.
7. R.I. Gen. Laws § 41-5-17 states that:

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<sup>1</sup> The boxer’s name and medical information is limited to protect his identity and ensure confidentiality.

**Suspension or revocation of license.** – Any license granted under this chapter may be revoked or suspended by the division of racing and athletics for a violation of any of the provisions of this chapter or of any other law of the state or of any rule or regulation adopted by the division or whenever the licensee has, in the judgment of the division, been guilty of any act or offense detrimental to the public interest.

8. R.I. Gen. Laws § 42-35-14(c) states that:

**§ 42-35-14 Licenses. ...**

(c) No revocation, suspension, annulment, or withdrawal of any license is lawful unless, prior to the institution of agency proceedings, the agency sent notice by mail to the licensee of facts or conduct which warrant the intended action, and the licensee was given an opportunity to show compliance with all lawful requirements for the retention of the license. If the agency finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of license may be ordered pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.

9. RA 1, Section 5 states, in pertinent part, that:

The Division official in attendance at the Event shall be empowered to immediately suspend or revoke any License on an emergency basis if the Division official determines that any of the Licensees, including the Event Licensee, is in material non-compliance with the conditions of the License, these Rules or the Act.

10. Respondent's submission of the Fraudulent Medical Letter and his attempt to mislead this Department regarding the health of a boxer under his management jeopardizes the health and safety of that boxer, demonstrates his dishonesty and incompetency, is detrimental to the public interest and requires an emergency suspension of his boxing manager License.

11. Respondent's submission of the Fraudulent Medical Letter to the Department is a basis to suspend his license pursuant to R.I. Gen. Laws §§ 41-5-17, 42-35-14(c), and RA 1 Section 5.
12. It is necessary to take emergency action in order to protect the safety and integrity of the boxers and boxing matches and from the harm caused by Respondent's dishonesty and disregard for statutory and regulatory requirements and to prevent further harm to persons who may be relying upon Respondent to manage their boxing careers. Therefore, the protection of the public welfare and the integrity of boxing imperatively require emergency action pursuant to R. I. Gen. Laws § 42-35-14(c).

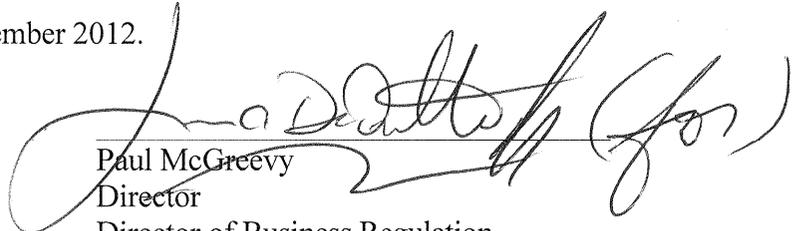
**WHEREFORE**, based on the foregoing, the Director finds that due to the seriousness of the violations attributed to Respondent in this Order, the public safety and welfare imperatively requires the issuance of this Order.

Accordingly, it is hereby ORDERED that:

1. Respondent's License is immediately suspended and Respondent shall immediately cease and desist from management of any boxers participating in any activity in Rhode Island and covered by R.I. Gen. Laws § 41-5-1 *et seq.*
2. On or before Friday, November 29, 2012 at four o'clock (4:00PM) file with the Department a written document listing any and all boxers under his management or any individual participating in any Rhode Island boxing and/or wrestling event under the jurisdiction of the Department.
3. Respondent shall immediately provide a copy of this Order to all boxers under his management and provide proof that he has provided said notice and Order to the Department by Friday, November 29, 2012 by four o'clock (4:00 PM).

The proceedings shall be conducted in conformity with R.I. Gen. Laws §§ 42-35-1 et seq. If you have any questions regarding the subject matter of this Order, please contact Neena Sinha Savage at (401) 462-9540 or NSSVG1@dbr.ri.gov and reference the case name and number.

Dated as of the 28<sup>th</sup> day of November 2012.

  
Paul McGreevy  
Director  
Director of Business Regulation

Order No. 12-066

**CERTIFICATION**

I hereby certify on this 28<sup>th</sup> day of November 2012 that a copy of the within order was sent by first class mail and certified, postage prepaid, and hand-delivery to

Robert W. Hersey  
P.O. Box 1017  
E. Longmeadow, MA 01028

and by email to: Maria D'Alessandro, Deputy Director, Racing & Athletics Division, William Deluca, Administrator and Christina Tobiasz, Chief Licensing Examiner, Racing and Athletics and Neena Sinha Savage, Chief of Legal Services.

A handwritten signature in cursive script, appearing to read "Robert W. Hersey", written over a horizontal line.