

GOVERNMENT OF GUAM
Office of the Governor
Agana, Guam

EXECUTIVE ORDER NO. 19-59

RULES AND REGULATIONS
OF
COCKPIT LICENSE BOARD

A. General

1.0. Authority. The within rules and regulations are in implementation of, and issued pursuant to, Chapter 2, Title XXVII, Government Code of Guam, attached hereto, together with applicable provisions of the Penal Code of Guam, as Appendix No. 1 for information purposes.

1.1. Board. As used herein, the term "Board" means the Cockpit License Board.

1.2. Communications. Communications should be addressed to:

Chairman, Cockpit License Board
Department of Finance
Government of Guam
Agana, Guam

1.3. Department of Finance. As provided by Executive Order 8-59, the Board is attached to the Department of Finance for logistic support and the Director of Finance shall furnish the Board with such facilities as are necessary for its operation, including space, secretarial and clerical services, supplies and an Executive Secretary.

1.4. Executive Secretary. The Executive Secretary shall maintain all records and files of the Board, attend all meetings, and perform all other functions herein provided and as directed by the Board.

1.5. Meetings. The Board shall meet at such times as the Board shall decide, or at the call of the Chairman. Two members, including the Chairman, shall constitute a quorum. Two affirmative votes shall be necessary to take any action. Minutes shall be kept of all meetings by the Executive Secretary.

1.6. Annual Report. The Board shall, by August 1 of each year, submit an annual report to the Governor with respect to the fiscal year ending June 30. The report shall include, but not be limited to, the following items:

- (a) A list of all cockpit licenses issued or terminated;
- (b) A list of all cockpit licenses in effect at the end of the year, showing issue date, termination date, and amount of bid;
- (c) A list of all referee licenses issued or terminated;
- (d) A list of all referee licenses in effect at the end of the year, showing issue date and termination date;
- (e) Any disciplinary action taken, including any suspension or revocation of licenses;
- (f) Any recommendations as to changes in statutes or rules and regulations.

B. Licensing and Operation of Cockpits

2.0. Licenses; Eligibility of Bidders. No person is eligible to bid for a cockpit license, or to be awarded or issued any such license or a renewal thereof, who:

- (a) Is not a citizen of the United States;
- (b) Has not reached the age of twenty-one (21) years;
- (c) Is a corporation;
- (d) Has been convicted of a felony or any crime involving moral turpitude; or
- (e) Has previously been issued a cockpit license which license has been revoked for violation of the laws of Guam or rules and regulations of the Board.

2.1. Prohibition. No license shall be issued to any bidder, nor shall a renewal of a license be granted to any licensee, who holds another current license, either individually or with others. This provision shall not be construed to apply to licenses outstanding as of the date of these regulations, but shall apply to preclude any renewal thereof.

2.2. Real Parties in Interest. All bids for licenses shall be submitted by, and all licenses, including renewals thereof, shall be issued to, the real party or parties in interest. Whenever the term bidder or licensee is used in these rules and regulations, it shall also apply to each member of a partnership, group, syndicate, or other association of individuals that may be a bidder or licensee with regard to qualifications, requirements and obligations.

2.3. Bid Requirements. Each bid shall be submitted in a sealed envelope, using the prescribed Bid Form attached hereto as Appendix No. 2, 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 \$490.00, 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 \$500.00, using the form attached hereto as Appendix No. 3, 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 \$500.00, in cash or certified check;
- (d) Satisfactory proof of United States citizenship of the bidder;
- (e) A sworn Statement of Eligibility, using the form attached hereto as Appendix No. 4.

2.4. Submission of Bids. Bids and accompanying required items as set forth in Section 2.3 shall be submitted by the bidder to the Executive Secretary personally. No bid shall be submitted directly to the Chairman or any other member of the Board. No bid shall be received until the accompanying required items have been checked by the Executive Secretary and found to be prima facie in compliance with law and the rules and regulations of the Board. The envelope containing the bid shall then be endorsed by the Executive Secretary and deposited by him in a locked box which shall be kept in the custody of the Treasurer until the time for opening.

2.5. Improper Bids. No bid will be received which does not comply with the requirements of law and the rules and regulations of the Board, and if erroneously received, will not be considered in awarding a license.

2.6. Withdrawal of Bid. No bid may be withdrawn after the opening.

2.7. Payment. Within five days after award of a license, the successful bidder 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 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 \$500.00 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 three (3) months after the award, such award shall be automatically cancelled. 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.

2.8. Issuance of License. Licenses shall be issued only upon payment in full of the amount of the bid.

2.9. Commencement of Term of License. The two-year term of each license shall commence upon the date of issuance, provided that the Board may grant one or more extensions of the commencement date, not to exceed thirty (30) days in the aggregate, to enable the licensee to qualify an acceptable cockpit.

2.10. Failure to Qualify Acceptable Cockpit. If a licensee 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.

2.11. Commencement of Operation. Operation of a cockpit may not be commenced until authorized by the Board after a determination that the cockpit is qualified as acceptable. Before issuing the authorization the Board shall inspect the site and the completed cockpit.

2.12. Plan. Upon awarding of a license, the licensee shall submit to the Board a plan of the proposed cockpit showing:

- (a) Design and location of the cockpit;
- (b) Type and location of sanitary facilities;
- (c) Size and location of parking facilities;
- (d) Such additional information as the Board may request.

2.13. Requirements. In order for a cockpit to qualify as adequate, it must meet the following requirements:

- (a) The cockpit must be adequately roofed and be structurally sound in accordance with the Building Law as certified by the Building Official;
- (b) Separate toilet facilities for men and women must be provided;
- (c) There must be compliance with all applicable provisions of the Health and Sanitation Law as certified by the Public Health Officer;
- (d) There must be adequate off-street parking facilities;
- (e) The location of the cockpit must be in accord with the Zoning Law, deed restrictions, and may not be in any area where its operation will constitute a nuisance or traffic hazard.

2.14. Renewal. A renewal pursuant to Section 26109, Government Code, may be awarded by the Board, with the approval of the Governor, upon the application of the licensee, filed not sooner than sixty (60) days and not later than thirty (30) days prior to expiration of the current license, upon a determination by the Board of the following:

- (a) That the licensee has faithfully complied with applicable provisions of law and the rules and regulations of the Board;
- (b) That the licensee is eligible to be awarded a license;
- (c) That the cockpit of the licensee continues to qualify as adequate; and
- (d) That it would be in the best interest of the Government to grant a renewal.

2.15. Same; Issuance of Renewal License. After the Governor's approval of an award of renewal by the Board, the licensee shall make payment of an amount equal to the amount of the original bid, either in cash or by certified check not later than five (5) days prior to expiration of the current license. The renewal license shall be issued only upon payment in full of the required amount.

2.16. Transfer of Licenses. Licenses may be transferred, either in whole or in part, and whether absolutely or otherwise, only after prior approval by the Board and only to persons who are eligible to bid for and be issued a license. All transfers must be registered with the Board. No transfer shall be of any force and effect until compliance with this section. In the event of the death of a licensee, his executor or administrator, if otherwise authorized according to the Probate Code, may continue operation until the termination of the license, but no renewal will be granted.

2.17. Transfer of Location of Cockpit. A cockpit may be relocated, within the same municipality, village or area for which the license was issued, upon approval by the Board and upon compliance with Sections 2.12 and 2.13 as to plans and requirements.

2.18. Prohibitions.

(a) No licensee may operate in any municipality, village or area other than that authorized by his license or in any cockpit or elsewhere other than in a cockpit authorized pursuant to Section 2.11.

(b) No licensee may permit any other person to operate under his license.

2.19. Responsibility of Licensee. Each licensee shall be responsible for the operation of his cockpit in accordance with the provisions of law and the rules and regulations of the Board, in an orderly manner and in such fashion that it will not constitute a nuisance or traffic hazard, and for the proper maintenance of the cockpit, including grounds and parking facilities. No licensee can abrogate his responsibility by delegation to, or appointment of, a manager or other subordinate to be in charge of operations. However, in the event of the licensee's absence from Guam, or incapacity, he shall appoint by power of attorney a duly authorized agent to act as his representative during such period.

2.20. Objectionable persons. Intoxicated or disorderly persons shall not be permitted to remain on the premises of a cockpit.

2.21. Report of Violations. Licensees shall promptly report to the Board any evidence of a violation of Sections 337(a), 337(b) and 337(c) of the Penal Code of Guam or any other violation of law or the rules and regulations of the Board.

2.22. Taxes. All licensees must keep current in the payment of all taxes due the Government of Guam arising out of the operation of cockpits. No license will be issued to any person delinquent in any such taxes. No renewal of a license will be granted to any licensee delinquent in any such taxes.

2.23. Notification of Cockfights. The licensee must notify the Department of Public Safety forty-eight (48) hours in advance of the holding of any cockfights on any other day except Sunday.

2.24. Cockfights; When Held. Under Section 26113, Government Code of Guam, cockfights may be held on Sundays, legal holidays, or church holidays. Church holidays are defined as comprising all holydays of obligation in Guam of the Catholic Church; and in addition, in connection with the regular fiesta of a local parish, holidays are defined to include the entire fiesta period with regard to a license issued for the municipality, district or area in which such local parish is located. To hold cockfights on any other day, written approval must be obtained from the Board in advance.

2.25. Minimum Operation. Not less than twenty-six (26) days of cockfights shall be held by each licensee a year. On each such day cockpits shall be open a minimum of two hours.

2.26. Records. Licensees shall keep written records of all receipts and disbursements, including gross amount bet on each cockfight, which shall be open for inspection at any reasonable time by any member of the Board, or an authorized employee of the Department of Finance.

2.27. Tickets. Licensees must issue a numbered ticket to each paying patron at cockfights. Ticket numbers must be consecutive and each licensee shall register each roll or block of tickets with the Board, and file a monthly statement with the Board stating the number of cockfights held and the total number of tickets sold.

2.28. Free Admissions. No persons except the licensee and his bona fide employees, members of the Board and their authorized representatives, and Government officials and employees on duty, shall be admitted to cockfights without charge.

2.29. Suspension or Revocation of License. A license may be suspended or revoked for violation of any section of Chapter 2, Title XXVII, Government Code of Guam, or any provision of the rules and regulations of the Board. All proceedings for suspension or revocation shall be by the Board in the manner provided by the Administrative Adjudication Act.

2.30. Revocation for Initial Ineligibility. If an award of a license is made, or a license or renewal is issued, to a person subsequently found to be ineligible at the time such award was made or such license or renewal was issued, such award or license shall be revoked.

C. Licensing of Referees

3.0. License Required. Only persons licensed by the Board shall be eligible to officiate as referees. Such licenses shall be for a period of one year unless sooner revoked.

3.1. Qualifications. To be eligible for appointment as referee, an applicant must comply with the following:

- (a) Submit an application in writing;
- (b) Be of good moral character;
- (c) Have at least five (5) years experience in cockfighting;
- (d) Have a thorough understanding of heeling and pitting;
- (e) Have a thorough knowledge of the laws of Guam, and the rules and regulations of the Board, pertaining to cockfighting, and be able to interpret and explain the same;

(f) Have good vision and be free from any physical defects which might hinder him from properly performing the duties of referee; and

(g) Pay a license fee of \$2.00.

3.2. Suspension and Revocation of License. The Board may suspend or revoke the license of a referee for violation of any laws of Guam pertaining to cockfighting or rules and regulations of the Board, or upon a showing that the person concerned is not qualified to officiate as referee.

3.3. Fees. After the conclusion of each contest, the referee thereof shall be paid a fee by the licensee or his authorized agent. The fee shall be paid from the stake of the losing side before the stake is paid to the winning side.

3.4. Same: Amount. The referee's fee for any contest shall be determined as follows:

<u>Stake on Losing Side</u>	<u>Amount of Fee</u>
\$200 or less	\$ 1.00
201 to 400	2.00
401 to 600	3.00
601 to 800	4.00
801 to 1,000	5.00
1,001 to 2,000	7.00
Over 2,000	10.00

No fee shall be paid the referee in a draw or no contest fight.

3.5. Prohibitions. No referee shall officiate in any fight in which he is the owner of, or has heeled, or has bet on, one of the cocks, nor serve as bet collector.

3.6. Existing Licenses. This Part shall apply to licenses in effect on the effective date of these rules and regulations, except with regard to the license fee. All such existing licenses shall expire one year after date of issue unless sooner revoked.

B. Betting

4.0. Responsibility of Licensee. The licensee shall be responsible for all money received by him or his bet collector on bets and for the proper distribution to winners.

4.1. Betting to be Through Licensee. All betting shall be through the licensee. Any other betting is illegal gambling.

4.2. Place. All betting shall take place within the cockpit only.

4.3. Cash Bets Only. All bets shall be made by depositing cash with the licensee or his bet collector. Personal checks shall not be accepted.

4.4. Closing of Bets. All betting must be concluded before each contest begins.

4.5. Prohibition as to Betting. Police officers on duty, members of the Board, the Executive Secretary of the Board, and any other government official or employee present on duty are prohibited from betting.

4.6. Same: Referee. No referee shall bet on any fight for which he is referee.

4.7. Same: Owner. No owner shall bet against his own cock at any time.

4.8. Same: Heeler. No heeler shall bet against any cock in any fight in which he is heeler for such cock.

4.9. Same: Pitter. No pitter shall bet against any cock in any fight in which he is pitter for such cock.

4.10. Violations. All violations of Sections 4.1 and 4.5 through 4.9 hereof shall be reported to the Board for appropriate action. Any referee violating Section 4.6 hereof shall be subject to suspension or revocation of his license, and may be barred from the premises of all cockpits. Any person violating Sections 4.1 or 4.5 through 4.9 may be barred from the premises of all cockpits.

E. Conduct of Cockfights: Cockfighting with Knives
(Amara)

5.0. This part shall apply to cockfighting with knives (Amara) but shall also apply to all other types of cockfighting except as to matters otherwise provided for such other types in Part F or G of these rules and regulations.

5.1. Discretion of Referee. These rules and regulations are expected to cover actions most frequently encountered in cockfighting. Situations arise at times in cockfighting, however, which are almost impossible to anticipate. Any condition or circumstance that may arise during any fight, that is not specifically covered by the rules, will be interpreted and decided by the referee in keeping with the general intent and purpose of the rules. The referee in making his decisions will be guided by this provision.

5.2. Definitions.

- (a) "Claim" means one peck or bite with beak, or one strike with the feet, provided the claiming cock does not run away or show any other sign of defeat immediately after he makes the claim, and before the referee has declared him the winner. Beak or feet must touch the opponent to count as a claim.
- (b) "Heeler" means a person who affixes the knife or spur to the leg of a cock.
- (c) "Pitter" means a person who places a cock in position to fight.
- (d) "Pitting Board" means a piece of wood, plywood or light metal approximately 3' x 3' x $\frac{1}{4}$ " for use in pitting cocks.
- (e) "Contestant" means the owner, or his representative, of a cock engaged in a contest.

5.3. Each contest shall be officiated by a licensed referee. The licensee is responsible for furnishing such referee, but contestants may mutually agree upon any other licensed referee.

5.4. The licensee is responsible for furnishing at least one heeler, but each contestant may act as his own heeler or may select another person to so act.

5.5. A contestant may act as his own pitter, or may select another person to so act.

5.6. No intoxicated person shall be permitted to serve as heeler or pitter. The referee is charged with the enforcement of this rule.

5.7. The referee shall be in complete charge of the contest for which he officiates, except with regard to betting, from the time he is selected to officiate until the contest is concluded by giving his final decision. He shall make all rulings and decisions, subject to official appeal to the Board.

5.8. The licensee or his authorized bet collector shall immediately inform the referee when all betting has been concluded. The pit shall thereupon be cleared except for the referee, heelers and pitters. There shall be not more than one heeler and one pitter for each cock.

5.9. Heelers may remain in the pit only to assist the pitters in unsheathing the knives. They shall step out of the pit immediately after the scabbards have been removed. Heelers shall not enter the pit while the contest is in progress, unless called upon by the referee to assist.

5.10. A cock may be billed, if the contestant desires. Billing shall be done only before the scabbards are removed.

5.11. If the pitter is not the contestant, the referee may permit the contestant to enter the pit to examine the knife of his cock after heeling and to impart instructions to his pitter. Upon completion of examination the contestant must promptly leave the pit.

5.12. When both sides are ready, the referee shall make a pre-fight examination as follows:

- (a) Check each cock for any evidence of having been poisoned or doped, and for physical defects.
- (b) Check knives for physical defects and wipe off.
- (c) Walk each cock for about half a dozen steps, from the center of the pit in one direction, and repeat in the opposite direction.
- (d) Lift each cock about three feet from the ground by tail, and when cock makes five or six strokes with feet, allow him to drop to ground.

5.13. If either side objects to the tests under Section 5.12 (c) and (d) upon the grounds that the cock is wild and resents strangers, or because of any other valid reason, the pitter may be allowed by the referee to perform the tests, in whatever manner the referee may direct and under the referee's supervision.

5.14. To commence fighting, the pitters shall pit their cocks upon the signal or instruction of the referee, setting their cocks down in the generally accepted manner and distance.

5.15. The pitters shall pit their cocks as often as the referee directs until the cocks start fighting. Immediately after the cocks start fighting, the pitters shall step to the nearest corner and remain on the alert for further instructions from the referee.

5.16. pitters shall not touch or handle their cocks after the fight starts, unless instructed by the referee to do so, or otherwise interfere. For violation of this rule, the referee may immediately forfeit the contest to the opponent.

5.17. No contestant shall interfere with any fight after it starts. For violation of this rule, the referee may immediately forfeit the contest to the opponent.

5.18. No contest shall be stopped because of interference by person or persons other than the pitters of the competing cocks or contestants as provided in Section 5.16 and Section 5.17.

5.19. No fight shall be stopped because of a broken knife caused by combat action, unless the pitter of the cock whose knife is broken, or the contestant, tells the referee to stop the fight, in which case the decision shall be awarded to the opponent.

5.20. The fight will progress without interruption as long as both cocks are making an effort to fight.

5.21. Except as hereinafter provided, one unopposed claim shall be required of any cock before he can be declared the winner, providing the claiming cock does not immediately run away or show any other sign of defeat after making the claim and before the referee declares him the winner. The only exceptions to the requirement of one unopposed claim are (1) if and when the contestants, by mutual consent, agree to accept the referee's decision without a claim, in which case there can be no appeal from the referee's decision; or (2) a contest is forfeited for misconduct by the pitter or contestant, in which case the opponent is automatically the winner regardless of his performance.

5.22. Any time both cocks are dead, without either cock having claimed, the fight must be declared a draw.

5.23. If one cock claims and the other refuses, the claiming cock must be immediately declared the winner.

5.24. If both cocks claim, they will not be handled or repitted until one or both do not continue to claim, in which case they will be immediately repitted, as many pittings as necessary, until one cock refuses to make one claim in any individual pitting. The cock that refuses must be declared the loser, and the claiming cock the winner.

5.25. If one cock leaves the fighting position showing signs of defeat and the other claims, the claiming cock wins.

5.26. If one cock leaves the fighting position in such manner as if he is luring his opponent to run after him, cocks shall not be pitted until the referee is sure that neither would go to the other. As long as they seek each other willingly, they should be left alone to fight in this manner without interruption.

5.27. When both cocks have ceased to fight, but are standing and able to fight, the referee may, at his discretion, have the cocks repitted as many times as he thinks necessary to bring the fight to a decisive conclusion. On any repitting, if the cocks are close to the pit wall, the referee may have them repitted in or near the center of the pit.

5.28. The pitting board may be employed for pitting in the discretion of the referee, when one or both cocks are in feeble condition. In this method, the referee orders both pitters to handle their cocks and bring them to the center of the pit. The referee places the board on the ground about the center of the pit, holding it there in upright position, and orders the pitters to set down their cocks at the opposite sides

of the board at an equal distance to be specified by the referee. The referee then pulls out the board from in front of the cocks. This gives both cocks an even chance to resume the fight. At this state the pitters are permitted to remain in the pit so as to be readily available for subsequent pittings. However, in subsequent pittings, the pitting board need not be used if the cocks are able to move sprightly.

5.29. If the referee is sure one or both cocks are unable or unwilling to continue the fight, he will pit one or both cocks for the claim. When one or both cocks are not standing, and are down on the pit floor, the referee will immediately pit one or both cocks in a reasonable manner, so that they will be directly opposite each other and close enough so each has an equal chance to claim against the other from his pitted position, if he is able to do so. If neither cock makes an attempt to resume the fight, the referee will tap each cock lightly on the back three times. If neither cock claims, the fight is a draw. In no case will the body of one cock be pitted over the other cock.

5.30. The "Rule of Three Pittings" shall apply as follows:

- (a) If both cocks refuse to claim, they will be allowed two more pittings, provided neither cock claims on the second pitting. If neither cock claims for three consecutive pittings, the fight must be declared a draw.
- (b) If one cock leaves fighting position and the other cock does not claim, they will be allowed two more pittings, provided neither cock claims on the second pitting. If neither cock claims for three consecutive pittings, the fight must be declared a draw, regardless of the fact that one cock may have run. The winning cock must make one unopposed claim.

- (c) If one cock is dead, or dies, and the other cock is alive, and the alive cock does not claim, the alive cock will be allowed a maximum of two additional pittings (a total of three) to make one claim. If the alive cock does not claim in three consecutive pittings, the fight must be declared a draw. However, after the alive cock has refused to claim against the dead cock the first time, the dead cock, in subsequent pittings must be pitted in a manner to show some motion or movement to simulate life.
- (d) After cocks have been restricted to a maximum of two additional pittings because: (1) both cocks failed to claim, (2) either or both cocks ran, (3) one cock died, no combination of these conditions will change the original maximum of two additional pittings.

EXAMPLE: If a cock dies or runs in the second pitting after both refused to claim in the preceding pitting, only one more pitting will be allowed. If either cock dies or runs in the third pitting, without the other cock claiming, the fight must be declared a draw. When the "Rule of Three Pittings" goes into effect for any of the three listed reasons, the outcome must be a draw, unless one cock claims, which makes him the winner; or both cocks claim which will automatically void the previously imposed restrictions of the rule, and makes the fight wide open, on the same basis it was before the rule was imposed. If in any subsequent pitting, the cocks fail

to claim, run or one dies, the "Rule of Three Pittings" must be re-imposed, and will not be affected by restrictions previously imposed by the rule. This procedure will continue until a decision can be reached.

5.31. If the knife of either cock becomes stuck, and neither cock is making an effort to fight, the referee shall call both pitters and instruct them to hold their cocks where they are or in any other position which would be most favorable for him to extricate the knife. The referee only shall extract the knife, and he should exercise the utmost care so as not to aggravate the wound. The referee shall also be particularly observant of the actions of the pitter of the cock whose knife is being pulled out. The pitter might push his cock, to cause deeper penetration of the knife, or he might pull his cock to cause aggravation of the wound. It is the duty of the referee to prevent the pitter from attempting any such action.

5.32. If, during any fight, the referee has ample reasons to suspect that either of the competing cocks has been poisoned, doped, or maliciously crippled or injured prior to the fight, and is so handicapped that he cannot reasonably handle himself, then the referee must immediately stop the fight and impound both cocks and the bets on both sides. It will be the licensee's responsibility to have the cocks thoroughly examined by a competent veterinarian. If an autopsy is advisable, either or both cocks may be destroyed for this purpose, without incurring any liability. If the veterinarian's findings indicate that either or both cocks have been deliberately incapacitated, with the apparent intent of fixing or stealing the fight, the case must then be placed with the Board to determine responsibility. If, after investigation of the facts and evidence, responsibility can be placed, fines and expenses incurred will be levied against the impounded money of the

guilty party. If responsibility cannot be placed, but there is ample evidence of malicious mischief, any expenses involved will be equally deducted from the impounded money of both parties.

5.33. Any ruling or decision of the referee may be appealed to the Board for review and judgment, but only when all of the following conditions have been complied with:

- (a) The complete unaltered rules must have been used for the fight in question. There must not have been any special arrangement or requirements agreed to that would in any way add to, alter, or affect the requirements of the established rules.
- (b) Verbal notice of appeal must be given the referee and the licensee or his representative, immediately after the referee's decision concluding the fight.
- (c) Written notice of appeal shall be submitted to a member of the Board or the licensee before midnight of the day following the referee's decision.
- (d) The written notice must state:
 - (1) Name and address of complainant.
 - (2) What interest he had in the fight, that is, owner of cock who allegedly received an unjust decision, part owner of the cock, or whatever his connection with the fight was.
 - (3) What is contended to be wrong with the decision.
 - (4) Name and address of the opposing contestant in the fight, or of both contestants, if the complainant is not a contestant.

(e) The complainant must make himself available to the Board at the time and place designated by the Board.

F. Conduct of Cockfights: Battle Royal (Carambola)

6.0. Definition. Battle Royal (Carambola) is a fight in which more than two (2) cocks compete in a single contest.

6.1. The rules and regulations set forth in Part E pertaining to Cockfighting with Knives (Amara) shall apply to Battle Royal (Carambola) except as otherwise provided in this Part.

6.2. The referee shall draw a circle about five (5) feet in diameter in the center of the pit, marking every spot on the line of the circle where he wants each competing cock to be set for pitting. When directed by the referee to prepare for pitting every pitter shall unsheathe the knife of his cock, set down his cock on the mark assigned to him, and shall hold his cock there. When the referee signals or instructs to pit, all pitters shall release their cocks at the same time and step out of the pit.

6.3. The cocks will fight by seeking each other. No further pittings will be necessary until such time that only two cocks remain and are no longer seeking to continue to fight. After the first pitting, whenever there is no engagement while there are more than two (2) survivors, the referee shall, if they are far separated, make an attempt to crown them up.

G. Conduct of Cockfights: Cockfighting Without
Knives (Balentia)

7.0. The rules and regulations set forth in Part E pertaining to Cockfighting with Knives (Amara) shall apply to Cockfighting without Knives (Balentia) except as otherwise provided in this Part.

7.1. The referee shall apprise the contestants of the various applicable rules and regulations, and that they may mutually agree to special conditions.

7.2. The following is a list of special conditions most commonly applicable by mutual agreement:

- (a) Fight both cocks as they are.
- (b) Moisten both cocks with water before the fight.
- (c) Moisten only one cock with water before the fight.
- (d) Sharpen the spurs of both cocks before the fight.
- (e) Sharpen the spurs of only one cock before the fight.
- (f) Tie toe or toes of one cock with a string to his leg, tying to be done by the owner of the opponent in a manner agreed upon. If, during the fight, the string breaks or becomes loose, the fight shall be suspended until the toes have been retied. However, if the stipulation was that the toes shall not be retied once the string breaks or becomes loose after the fight has started, then, should the string break or become loose at any stage of the fight, the fight shall be permitted to progress, without interruption. If any part

of either cock is entangled with the loose string at any time, in any manner other than that specified in the agreement, the cock shall be disentangled immediately and the fight resumed.

7.3. Cocks shall be handled for pitting under either of the following as agreed to before the fight:

(a) Pitters shall handle and pit cocks in or near the center of the pit whenever they get close to the pit wall, or whenever either or both cocks are unable or unwilling to continue the fight.

(b) Cocks shall be permitted to fight without interruption as long as they are in the pit and are still able and willing to fight.

Whenever either or both cocks are no longer able or willing to continue the fight, they shall be handled and pitted where they are.

7.4. If neither cock is able to continue the fight on account of darkness, but both are still willing to fight, the fight shall be declared a draw.

7.5. If both cocks are blinded during the fight and neither is able to continue the fight effectively as the result, the referee shall pit them as often as necessary to see if a decision can be reached. If after this action the referee believes that neither cock can carry the fight to a conclusion in his favor, the referee shall call the fight a draw.

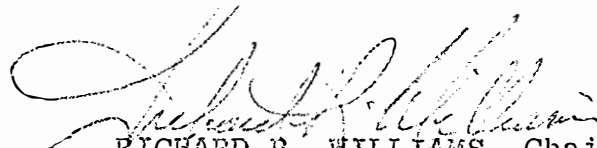
7.6. If either cock refuses to continue the fight in any manner and his opponent does not claim, they shall be pitted for three consecutive times. If neither cock claims for three successive times, the fight shall be declared a draw.


7.7. When either cock makes three successive unopposed claims, the claiming chicken shall be declared the winner.

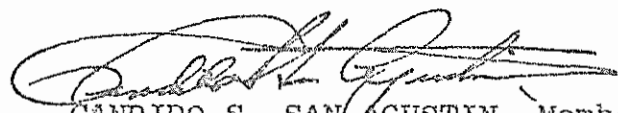
Pursuant to the authority vested in the Cockpit License Board by Chapter 2, Title XXVII, Government Code of Guam, the foregoing Rules and Regulations of the Cockpit License Board are forwarded herewith to the Governor of Guam, with the recommendation that they be promulgated by executive order.

Dated this 30th day of November, 1959.

COCKPIT LICENSE BOARD

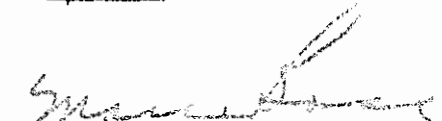

RICHARD R. WILLIAMS, Chairman


JUAN S. N. AGUERO, Member

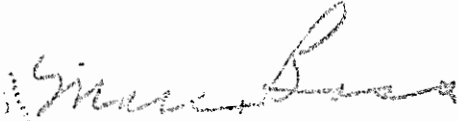

CANDIDO S. SAN AGUSTIN, Member

The foregoing Rules and Regulations of the Cockpit License Board are hereby approved and promulgated as Executive Order No. 19-59 effective at 12:01 a.m. on the third day following the date of this order, and Executive Order No. 1-53 is hereby repealed.

Dated at Agana, Guam, this 18th ^{December} day of November, 1959.


MARCELLUS GRAEME BOSS
Acting Governor of Guam

COUNTERSIGNED:


MARCELLUS GRAEME BOSS
Secretary of Guam

Appendix 1

CHAPTER 2

TITLE XXVII

GOVERNMENT CODE OF GUAM

COCKFIGHTING

Section 26100. License board: established. There is hereby established in the government of Guam a Cockpit License Board (hereinafter referred to as the "Board") which shall consist of three members including the chairman appointed by the Governor with the consent of the Legislature.

Section 26101. Same: term and compensation. The members and chairman of the Board shall be appointed for terms of one year each and shall receive no compensation as such, but may be reimbursed for reasonable and necessary expenses incurred in the course of their official duties, as certified by the Treasurer or Guam.

Section 26102. Same: rules and regulations. The Governor may issue as executive orders and the Board may recommend to the Governor for issuance as executive orders such reasonable rules and regulations, not inconsistent with the laws of Guam as may be necessary or desirable to enable the board to carry into effect the provisions of this chapter.

Section 26103. Same: employees. Within the limits of its authorized budget and consistent with the Compensation Law of Guam, the Board may employ and discharge such employees as shall from time to time be necessary in carrying out the duties and responsibilities imposed thereunder.

Section 26104. Cockpits: licensed. There may be established as hereinafter provided licensed cockpits in Guam.

Section 26105. Licenses: issuance. Licenses for the operation of cockpits shall be issued by the Board only after the awarding of the license as herein provided.

Section 26106. Same: bids: notice. Notice of the proposed awarding of the license for the operation of the cockpit shall be posted in at least three public places, in the municipality for which a license is to be issued for a period of fifteen (15) days prior to the date stated in the notice for the receiving of bids for such license.

Section 26107. Same: bids. Bids must be submitted within a period of ten (10) days from the date fixed in the notice for the receiving of bids. Each bid shall be accompanied by a deposit of ten dollars (\$10.00) which shall not be returned and the amount of such deposits shall be paid into the Treasury of Guam. All bids must be sealed and will be publicly opened five (5) days after the expiration of the dates for receiving bids at the hour and place to be stated in the notice. The minimum bid which can be received or accepted by the Board for the operation of a licensed cockpit shall be the sum of five hundred dollars (\$500).

Section 26108. Same: award. The Board shall award the license to the highest bidder provided that the bidder is approved by the Board. In the event that for any reason the Board does not approve the highest bidder, or the highest bid is for any reason otherwise not acceptable to the Board, new notices shall be posted and bids received in the same manner as if no notice had heretofore been given except, that a bidder who has been disapproved by the Board may not submit a new bid.

Section 26109. Same: duration. All licenses shall be for a period of two (2) years but may at the expiration of that time be renewed by the Board for an additional period of two (2) years upon the payment by the licensee of an amount equal to the amount of his original bid.

Section 26110. Same: number. No more than one license for the operation of a cockpit shall be permitted in each municipality, village or area to which a commissioner or assistant commissioner has been allocated by the provisions of Section 15000 of Title XVI of this Code or as hereafter amended, and that the location of the cockpit in each municipality, village or area shall be subject to approval by the Cockpit License Board.

Section 26111. Same: suspension or revocation. A license may be suspended or revoked for violation of any section of this Chapter or any executive orders issued pursuant thereto. All proceedings for such suspension or revocation shall be by the Board in the manner provided by the Administrative Adjudication Act.

Section 26112. Same: citizenship required. No license shall be issued to anyone not a citizen of the United States.

Section 26113. Cockfights: days. Cockfights may be held on Sundays, legal holidays or church holidays. In addition thereto, additional cockfight events may be held each year upon the approval thereof by a majority of the members of the Board.

Section 26114. Same: hours. The hours of operation of cockpits shall be as follows:

(a) Sundays, legal and/or church holidays, 10:00 a.m. to 10:00 p.m.

(b) On other authorized days, 10:00 a.m. to 10:00 p.m.

Section 26115. Same: admission fees. The admission fee to a cockpit shall be as follows:

(a) Each person entering the arena with a fighting cock, one dollar (\$1.00).

(b) Each person entering the arena without a fighting cock, two dollars (\$2.00).

Section 26117. Same: same: fees. For each combat between cocks, a fee not to exceed two per cent (2%) of the total amount of bets, will be collected by the holder of the franchise.

Section 26118. Wagers. All wagers on a combat shall be made only within the licensed premises and placed with the licensee or his agent.

Section 26119. Penalty. Violation of any provision of this chapter or of any rule or regulation duly promulgated by executive order pursuant to the provisions of this chapter is a misdemeanor, punishable as provided by Section 19, Penal Code of Guam, as amended.

PENAL CODE OF GUAM

Section 337. Cockpits and cockfighting. Every person who shall:

- (1) Operate a cockpit without a license;
- (2) Engage in cockfighting (Balentia) outside of a licensed cockpit;
- (3) Who permit any person under 16 years of age to attend a licensed cockpit; and,
- (4) Who under the age of 16 years attends a licensed cockpit;

Is punishable by a fine not exceeding \$50.

(a) Every person who shall drug, cripple, poison, or in any manner injure any gamecock intended to be watched or entered in a lawful cockfight is guilty of a misdemeanor, and punishable by a fine of not less than five hundred dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment. For purposes of this section, the taking of a gamecock to within the enclosure of any cockpit shall be sufficient to constitute an intent to match.

(b) Every person who shall cause or procure the commission of the offense described in sub-section (a) of this section, or who shall conspire with any person or persons to commit the same, or who shall solicit or attempt the commission of such offense is guilty of a misdemeanor and punishable by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or by both such fine and imprisonment.

(c) Every person who, at any time, has in his possession any grain or other chicken feed, or substance suitable for consumption by chickens which has been mixed or treated with any drug, chemical or other substance poisonous or harmful to chickens with intent to drug, cripple, poison or in any manner injure any gamecock intended to be matched or entered in a lawful cockfight, is guilty of a misdemeanor. For purposes of this section, possession of any grain or chicken feed, or substance suitable for consumption by chickens which has been mixed or treated with any drug, chemical, or other substance poisonous or harmful to chickens within the enclosure of any cockpit shall be sufficient to constitute an intent to drug, cripple, poison or in any manner injure any gamecock.

Appendix 2

BID FOR COCKPIT LICENSE

_____, 19____

Cockpit License Board
Department of Finance
Government of Guam

In compliance with your invitation to bid dated
_____, 19____, the undersigned proposes to pay
the sum of _____
Dollars (\$_____) for a cockpit license in the municipality
of _____, said sum to be paid in full in
cash or by certified check within five (5) days after award is
made.

The undersigned further certifies that no person or
persons other than those whose signatures are affixed hereto
have any interest in this bid or will have any interest in or
control of said cockpit.

Subscribed and sworn to before me this _____ day of
_____, 19_____.

Notary Public in and for the
territory of Guam

My commission expires _____.

29
10

Appendix 3

BID BOND

Know all men by these presents, that we _____

_____,
hereinafter called the principal, and _____

hereinafter called surety, are held and firmly bound unto the Government of Guam for the amount of \$500.00 in connection with a bid for a cockpit license in the municipality of _____, filed or to be filed by said principal, which bid is hereby made part of this bond, and for the payment of which sum, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, by these presents.

The condition of this obligation is such that if the principal shall not withdraw said bid and shall pay the amount thereof in full to the Government of Guam within five (5) days after award of said cockpit license to him, then the above obligation shall be void, otherwise to remain in full force and effect.

In witness whereof, the above parties have executed this instrument this _____ day of _____, 19____.

Principal

Business Address

(Corporate Surety)

Business Address

By: _____

Appendix 4

BIDDER'S STATEMENT OF ELIGIBILITY

Cockpit License Board
Department of Finance
Government of Guam

The undersigned, being desirous of submitting a bid
this date for a cockpit license in the municipality of
_____, hereby states as follows:

1. That he is a citizen of the United States.
2. That he is above the age of 21 years.
3. That he has never been convicted of a felony or
other crime involving moral turpitude.
4. That he has never held a cockpit license which
has been revoked for violation of law or of applicable rules
and regulations.

In view of the foregoing the undersigned believes and
does therefor state that he is an eligible bidder as set forth
in the Rules and Regulations of the Cockpit License Board.

Subscribed and sworn to before me this _____ day of
_____, 19____.

Notary Public in and for the
territory of Guam

My commission expires _____.